

EXPERT REPORT OF ALON EVIATAR

SOKOLOV V. PALESTINIAN LIBERATION AUTHORITY, CASE NO. 04-397 (S.D.N.Y.)

I. INTRODUCTION

A. Credentials

I was born in 1967 and currently reside in Maccabim, Israel. I have an M.A. in Public Policy from Bar Ilan University (2011). I have a B.A. in Middle Eastern Studies and Political Science from Bar Ilan University (1994). I am fluent in Hebrew and Arabic and in English reading and comprehension.

Between 1986 and 1997, I served as an intelligence officer in the Intelligence Branch of the Israel Defense Forces (“IDF”), engaged in information gathering and analysis, with an expertise in military affairs.

Between 1998 and 2000, I served as an advisor on Palestinian Affairs in the Coordination and Liaison Administration in Nablus and Bethlehem. In 2000-2001, I studied at the IDF Command School. In the context of this course, I published a paper comparing the great Arab rebellion to the second intifada.

Between 2001 and 2004, I served as Commander of the Coordination and Liaison Administration in Jericho and the Jordan Valley. In this position, I managed communications with official and unofficial Palestinian sources in the region, the exercise of civil jurisdiction authority vis a vis the Palestinian Authority and the local population, the assessment of the situation in the region and provision of assistance to the security forces in fighting terror.

Between 2004 and 2013, I served as Head of the Department for Palestinian Affairs, at different times in Gaza and the West Bank, sometimes in the Civil Administration and sometimes in the Command for Coordination of Government Activities in the Territories (“COGAT”). During this period, I also participated in an intelligence course and I formed a special division dedicated to Hamas’s civilian infrastructure (the Dawa).

During the last nine years of my service in the IDF, I was a Department Head in the Department of Palestinian Affairs and held an IDF rank of Lt.Colonel. I reported to the Head of COGAT, above whom were only two people – the Minister of Defense and the Chief of Staff. In that position, I was responsible (among other things) for supervising the work of IDF research and assessment personnel in various fields relating to Palestinian affairs, drafting and presenting research and policy papers concerning Palestinian affairs, and appearing before and providing briefings to senior governmental and military forums regarding Palestinian affairs. I

supervised approximately 50 people. As part of my position I also provided numerous briefings about Palestinian affairs, in Israel , to foreign officials.

In the course of my services in the IDF, I received and read many thousands of intelligence items – including raw intelligence data obtained from electronic and human sources, as well as analyses and summaries compiled from such raw data, many of which my team prepared under my supervision – relating to the activities of the Palestinian Authority (the “PA”), the Palestine Liberation Organization (the “PLO”) and the full range of Palestinian groups, organizations, institutions and personalities.

I retired from the IDF earlier this year.

I have not authored any publications during the last ten years.

I have never before testified as an expert at trial or at a deposition.

B. Nature and Purpose of Report

I have been requested by Plaintiffs in the matter of *Sokolow v. Palestinian Liberation Authority* to express my professional expert opinion on several matters, as set forth in detail herein.

My expert opinion herein does not deal with the responsibility of Hamas for the commission of the attack by Hamas. Rather, I address herein the role of the Palestinian Authority and its status as a supporting actor in the terrorist bombing attack in the cafeteria at the Hebrew University in Jerusalem.

In addition, in preparing my report, I reviewed inter alia the documents listed below:

Documents Produced by Plaintiffs:

Bates P 1:1-3563

Bates P 2:3-313

Bates P 3:1-54

Bates P 4:1-282

Bates P 5:1-160

Bates P 6:1-334

Bates P 7:1-178

Bates P 8:1-187

Bates P 9:1-2

Bates P 10:1-4

Documents Produced by Defendants:

Bates 04:493-494

Bates 4473-4513

Bates 6031-6034

Bates 6145

Bates 6363-6368

Bates 6761-6778

Bates 6827-6840

Bates 7183-7184

Bates 7290-7328

Bates 7731-7742

Bates 7893-7898

Bates 8952-9046

Bates 9050-9638

C. Topics

(1) The responsibility of the Palestinian Authority (hereinafter: the “**PA**”) and the Palestine Liberation Organization (hereinafter: the “**PLO**”) for the July 31, 2002 Hebrew University Bombing.

(2) Witness Interrogations.

(3) The connection and relationship between the PA, PLO and Fatah.

- (4) PA/PLO payments to terrorists and their families.
- (5) The Palestinian Ministry of Prisoners and Released Prisoners Affairs.
- (6) The release of terrorist prisoners, the “Revolving Door Policy” of the PA.
- (7) Fatah’s terrorist operations between 2000-2004 under the auspices of the PA and PLO
- (8) The Palestinian Authority’s direct assistance of terrorism.
- (9) Cooperation among Palestinian terrorist organizations and the PA.
- (10) The Tanzim.
- (11) Yasser Arafat’s personal involvement in terrorist operations.

II. PART ONE – HEBREW UNIVERSITY

A. Background to the Hebrew University Attack

1. The Hebrew University attack was carried out on July 31, 2002, in the middle of a spate of suicide terrorist attacks throughout Israel – particularly in Jerusalem. It was a year after the bombing attack in the Sbarro Restaurant (August 9, 2001), which caused the deaths of 19 people, and followed a string of other bombing attacks, including the attack in the Park Hotel in Netanya on March 27, 2002, which resulted in 30 deaths. The bomb used in the Sbarro attack was made by Abdullah Barghouti, the same bomb maker as in the Hebrew University bombing. The Israeli security services already had extensive information on terrorist cells that were carrying out suicide terrorist attacks; they were wanted and most of them were hiding in the territories which were under the control of the Palestinian Authority.
2. The Hebrew University attack of July 31, 2002, involved an explosive device detonated in the Frank Sinatra Cafeteria in the heart of the campus of the Hebrew University on Mount Scopus in Jerusalem. The device exploded while lecturers, students and guests were eating their lunches in the cafeteria. More than 100 occupants of the cafeteria were injured and nine were killed, including four students who were citizens of the United States who had come to study at the University. The cafeteria building was severely damaged; the roof collapsed and all of the windows were shattered.

B. Hamas’ Role in the Hebrew University Attack

2. In 2006, four years after the Hebrew University attack, Israeli journalist Ronni Shaked made a documentary film about the activity of Hamas, in which he interviewed both Abdullah Barghouti and Waal Qassam about their roles in the Hebrew University attack. As can be seen in the film, both readily admitted and expressed pride in their deeds.¹
3. There is no disputing the fact that Hamas was the party that initiated, planned and executed the bombing attack in the cafeteria. The commission of the attack was proven by the courts in Israel and all of those involved in the attack (with the exception of Ibrahim Hamid) confessed to their roles in the attack.
4. The Israeli court convicted Abdallah Barghouti for his involvement in the Hebrew University bombing.
5. Hamas, which calls the attack an “act of heroism,” published leaflets, booklets and many statements about the manner of carrying out the attack. It has explicitly taken responsibility for the attack in many different ways, such as in leaflets, internet websites, booklets and memoirs.²

C. The Role of the PA in Supporting and Encouraging Hamas in Carrying Out the Hebrew University Attack

1. The conditions in the West Bank under the governance of the Palestinian Authority during the al-Aqsa Intifada enabled and encouraged the freedom of activity of the various terrorist groups on multiple levels. Hamas was operating under this framework. Specifically, Hamas was dependent upon the Palestinian Authority’s role as a legal authority and its ability to empower Hamas and selectively enforce laws and protections that might have prevented the terrorist attack.
2. The Palestinian Authority provided Hamas with assistance, including from the PA’s leader, Yasser Arafat, in assisting Hamas terrorists in their terrorist activities; in creating the public atmosphere that supported terrorist actions; in failing to take the measures that it could have taken as the central Palestinian legal authority in order to prevent the attack; in providing Hamas with direct assistance that enabled Hamas to execute the attack. For example, during the second *Intifada*, Arafat regularly made the following announcement on PA television “to Jerusalem marching millions of shahids”, PA television regularly published photos of the martyrs, glorifying them, the PA had a policy of giving money to the families of the martyrs, and participating in funerals and mourners tents for the martyrs.

¹ Documentary film, titled *For the Sake of Allah*, Bates P7- 173 and 174.

4. alqassam.ps/arabic/operations2.php?id=no

3. The PA did more than simply fail to stop Hamas, it actively supported Hamas and the Hamas terrorists, thereby encouraging Hamas to carry out the Hebrew University attack and other acts of terrorism. For example, the Palestinian Authority, with the approval of Arafat, financially supported the families of suicide bombers and terrorists from all of the organizations, including Hamas; provided them financial support, gave Palestinian prisoners, irrespective of organizational affiliation, monthly salaries that were forwarded to their families, including money that was transferred to the prison to allow the prisoners to purchase goods from the canteen.
4. As discussed below, the Palestinian Authority received many warnings, demands for arrest and requests not to aid and abet the terrorist acts of the Hamas. The PA did not heed those many warnings, demands, and requests. These Israeli demands included, *inter alia*, the arrest of Hamas terrorists
5. By the time of the Hebrew University attack, Israel had forwarded to the Palestinian Authority several requests, including names of terrorist operatives that the Palestinian Authority had been requested to arrest in order to prevent their activity. These requests included a demand by Israel in June 2001 that the PA arrest Abdullah Barghouti (the bomb maker in the Sbarro attack mentioned above) and a similar demand to arrest Abdullah Barghouti just one week before the Sbarro bombing.³ Moreover after the Sbarro terrorist attack, the United States, via Colin Powell and George Tenet, demanded that the PA arrest Abdullah Barghouti.⁴ The PA did so. However while prior to July 2002, certain Hamas operatives had been arrested by the Palestinian Authority, the PA's "revolving door" policy led to their release, including the release of Abdullah Barghouti (on whose involvement in and relations with the Palestinian Authority I shall elaborate in the following chapters of this report).⁵

³ See Brilliant, Joshua, Feature: Reporters Tour Battle Zone, United Press International, August 17, 2001; Roelofsma, Dirk Kinnane, Global Impact News Analysis, United Press International, August 17, 2001; Sale, Richard, Arafat Ignored CIA Warning, United Press International, August 17, 2001; Gilmore, Inigo, Israel Warned Arafat of Suicide Bomb Risk Officials Had Named the Mastermind of Last Week's Fatal Blast – But the Palestinians had Refused to Act, Sunday Telegraph, August 12, 2001; Brilliant, Joshua and Abu Ramadan, Saud, PA Police Arrests Suspected Bombers, United Press International, August 10, 2001; see also <http://www.ynet.co.il/articles/1,7340,L-2476913,00.html>.

⁴ See White House Press Release dated August 9, 2001; Remarks of Secretary Colin Powell, August 9, 2001, Bates P7:158-160; Deposition Testimony of Moab Hassan Yousef dated 1/10/12 at 112:2-17.

⁵ See *Son of Hamas* by Mosab Hassan Yousef, pp. 168-169; Deposition Testimony of Moab Hassan Yousef dated 1/10/12 at 106:8-108:21.

6. By July 2001, Israel had forwarded requests to the Palestinian Authority to arrest certain suspects and to take action against others. The requests were forwarded directly by Israel and by the United States. An example of such a request from the Israel Security Agency, dated in August 2001, is found in Bates P7:175-177. This request is broken down by area (West Bank; Gaza Strip) and within each are, by organizational affiliation (*i.e.*, Hamas, Islamic Jihad, etc.).⁶ Unfortunately, the second page of Israel's request is not in my possession.
9. The Israeli government made some additional demands for PA action, including some in writing, such as a demand that PA prosecute the perpetrators of the terrorist actions as required by the agreements that had been signed between Israel and the PA.
11. The Palestinian National Authority is a legitimate governmental authority that has full governmental powers in "A" territories, which are the territories that were determined in the agreements as being subject to complete Palestinian control – both security and civil.⁷ For example, the town of Ramallah, where the bombing attack of the Hebrew University campus was planned, is under the complete control of the Palestinian Authority. As discussed more fully in another part of my report, in order to advance its control, including its security control, the Palestinian Authority established all of the institutions and entities that are required for maintaining a proper central government: the President of Palestine – Yasser Arafat (also the Chairman of the PLO and Commander of Fatah); a parliament (the Legislative Council); a government with law enforcement mechanisms, a police force, a judicial system, prisons, security mechanisms, intelligence services, and other mechanisms of a governmental authority.
12. The PA, PLO, Fatah, and Hamas share a special relationship with each other. They have a shared interest in carrying out terrorist attacks and, accordingly, display a great deal of inter-organizational cooperation and coordination.⁸ In July 2002, nearly two years after the outbreak of the al-Aqsa Intifada, the coordination and cooperation between Hamas and Fatah had become well-established and Arafat already had given a green light to Hamas to carry out bombing attacks within Israel. The terror organizations, including Hamas, understood very well the "mood" that Arafat projected, his "unwritten texts" and messages that it was legitimate and even desired to carry out terrorist attacks. The suicide bombers

⁶ Bates P7:175-177, ISA Wanted List Delivered to PA - August 2001. Given the way in which the document is organized, *i.e.* by geographical area and then by organizational affiliation, and given the timing, the missing page of the request should contain Abdullah Barghouti's name.

⁷ See Bates P:1-3033.

⁸ From the beginning of the Second *Intifada*, Fatah and Hamas coordinated their activities via the "National and Islamic Forces" committee.

included policemen in the Palestinian police forces or soldiers in the national forces or the security mechanisms that had also operated in coordination with Hamas.

13. Terrorist investigations during the al Aqsa intifada have revealed that there were terrorist attacks carried out through coordination by Hamas and Fatah operatives, as has been published in various freely available sources (as I shall explain in the following sections and I shall also specifically show that the attack on the campus cafeteria involved cooperation between Hamas and Fatah).

D. Abdullah Jamal Barghouti and the PA

1. The key terrorist in the bombing attack in the cafeteria at the Hebrew University is Abdullah Jamal Barghouti,⁹ who was arrested by Israel after a lengthy pursuit on March 7, 2003. Abdullah Barghouti had been wanted since August 2001.



2. Abdullah Jamal Barghouti is a Palestinian with Jordanian citizenship, born in Kuwait. He entered the territories of the West Bank in 1999, equipped with a visa to visit his relatives in the village of Beit Rima, near Ramallah. When the Intifada began, he looked for ways to participate in military activity. Initially, he attempted to join the al-Aqsa Martyrs' Brigades, the military arm of Fatah and after that, through his relative Bilal Barghouti, he enlisted in Hamas.¹⁰ As time passed, his status became established and he joined Hamas's military headquarters in the Ramallah area, which directed the activity of a number of armed cells and cells that carried out terrorist attacks, including suicide bombings.¹¹

⁹ For information about Abdullah Barghouti, see Guy Aviad, Lexicon of the Hamas Movement (Tel Aviv, Ministry of Defense 2008), pp. 60-61.

¹⁰ Abdullah Barghouti Statement, March 13, 2003.

¹¹ <http://www.ynet.co.il/articles/0,7340,L-2476913,00.html>.

3. Several days prior to the attack at the Sbarro Restaurant, and especially on the day of the attack, August 9, 2001, the Israel Security Authority was in possession of a warning of intent to carry out a suicide bombing in Jerusalem. The information centered on the name of Abdullah Barghouti, the Hamas bomb-maker.¹² Despite Israel's requests to the Palestinian Authority to act quickly in order to prevent the attack, members of the PA security forces arrested Abdullah Barghouti two hours before a suicide bomber exploded in the Sbarro Restaurant using a bomb which Barghouti had already built.
4. Bilal Barghouti, who was a relative of Abdullah and Abdullah's recruiter into Hamas and his contact person with Hamas headquarters and terrorist cells, was a key operative of Hamas in Ramallah. Bilal was arrested together with Abdullah Barghouti in Ramallah on August 9, 2001, at 11:00 a.m., about two hours before the suicide bomber Izz al-Din al-Masri carried out the suicide bombing at the Sbarro Café in Jerusalem. When Bilal was arrested, he was carrying a pistol and the will of Izz Al-Din Al-Masri.
5. Bilal Barghouti had previously been arrested on a number of occasions by the Palestinian Preventive Intelligence. Explosive materials were found in his home two times; the first time was when he was arrested, in May, and the second time was when he was arrested along with Abdullah Barghouti on August 9, 2001.¹³ In both cases, he was released a few days later after a superficial interview, despite being found in possession of weapons.
6. One of Abdullah Barghouti's sources for weapons was Ahmad Barghouti, a member of Fatah, the bodyguard of Marwan Barghouti and a PA police officer. In his statement to Israeli police, Abdullah Barghouti relates that he had purchased an Uzi,¹⁴ a Kalashnikov rifle, and a pistol¹⁵ from Ahmad Barghouti. Ahmad Barghouti provided a large quantity of explosives to Abdullah Barghouti.¹⁶

¹² See Brilliant, Joshua, Feature: Reporters Tour Battle Zone, United Press International, August 17, 2001; Roelofsma, Dirk Kinnane, Global Impact News Analysis, United Press International, August 17, 2001; Sale, Richard, Arafat Ignored CIA Warning, United Press International, August 17, 2001; Gilmore, Inigo, Israel Warned Arafat of Suicide Bomb Risk Officials Had Named the Mastermind of Last Week's Fatal Blast – But the Palestinians had Refused to Act, Sunday Telegraph, August 12, 2001; Brilliant, Joshua and Abu Ramadan, Saud, PA Police Arrests Suspected Bombers, United Press International, August 10, 2001.

¹³ (Abdullah Barghouti), Bates P7:131-146.

¹⁴ Abdullah Barghouti Statement, March 13, 2003.

¹⁵ (Abdullah Barghouti), Bates P7:131-146.

¹⁶ (Abdullah Barghouti), Bates P7:131-146 .

8. The confessions that Abdullah Barghouti provided also indicate that he was in possession of a large quantity of arms, not just explosive devices. For example, when he was arrested by the Palestinian Authority, two barrels filled with explosives and with materials for making explosive devices, primarily electrical wires and soldering devices, were found in his home. It was also learned that the Palestinian security forces took from Abdullah Barghouti's home only the prepared explosive materials, while they left in his house Barghouti's preparation materials, including a large quantity of H₂O₂.¹⁷
9. Palestinian security forces did not interrogate Barghouti and did not ask him about his use of the explosive materials.
10. **In my expert opinion, the decision by Palestinian security forces not to interrogate Barghouti, not to confiscate his preparation materials (including chemicals used to make explosives), and not to inquire about his motives for owning those materials and explosive devices was intended to send Abdullah Barghouti a clear message: he could continue to carry out terrorist attacks with impunity.**
11. In his later statement that Abdullah Barghouti gave to the Israeli police on May 22, 2003, he admitted that he had been arrested by the Palestinian Authority and claimed that the person who arrested him was Jibril Rajoub. In his confession, Abdullah Barghouti stated that he had wanted to murder Jibril Rajoub for arresting him, and that in his opinion, Rajoub was the one who had handed Bilal Barghouti and Marwan Barghouti over to Israel. He refrained from attempting to murder Rajoub after Ibrahim Hamad, the commander of Hamas in Ramallah, forwarded a dispatch to him through his Deputy, Sayad Sheikh Qassam, in which he stated that Abdel Aziz Rantisi, one of the leaders of Hamas in Gaza, demanded that Abdullah Barghouti not murder Rajoub.¹⁸
12. In another confession, Abdullah Barghouti states that four days after the attack on Sbarro (in August 2001), using a telephone that had been given to him in prison, he contacted a man known as "Salah" (later discovered to be Ibrahim Hamad, the head of Hamas in Ramallah). During the call, the two scheduled a meeting outside of prison. Since Abdullah Barghouti was still in custody, he sent Bilal Barghouti, the person who had recruited him into Hamas, to the meeting in his stead and the meeting proceeded.¹⁹
13. The PA released Abdullah Barghouti on August 27, 2001 without having interrogated him. In his confession to Israeli police Abdullah Barghouti said of his meeting with PA

¹⁷ (Abdullah Barghouti), Bates P7:131-146 .

¹⁸ Abdullah Barghouti Statement, May 22, 2003.

¹⁹ Abdullah Barghouti Statement, May 12, 2003.

officials while in prison: “It was not an interrogation, but just questions.” He stated further that for the two weeks of detention he was not asked questions and was not interviewed, other than immediately following his arrest.²⁰ During his questioning, he admitted to PA officials that he was involved in bomb making and acts of terrorism. The PA released him nonetheless. According to the description in his book, he claimed that public pressure had led to his release.²¹

14. **It is my expert opinion that Abdullah Barghouti’s favorable treatment in prison constituted a signal from the PA that he was free to carry out attacks against Israel. The PA communicated that signal, in part, through the PA’s conduct of a superficial interview, rather than an interrogation (which clearly would have been appropriate given the reasons that Barghouti was imprisoned and the evidence that the PA had against him), and the fact that he was permitted to make telephone calls from prison. It was clear to Barghouti, largely as a result of these signals, that his criminal violations were not viewed by the PA as serious and rather that his incarceration was intended to appease Israel so that Israel would ease up its pressure on the PA.**
15. Abdullah Barghouti was released from the prison as a “hero.” Jibril Rajoub, the head of PA Preventive Intelligence, arrived at the prison in person and handed Abdullah Barghouti over to Marwan Barghouti, the head of the Fatah. I discuss the close connections between Fatah and the PA and the PLO in another part of my expert opinion. Marwan Barghouti took Abdullah Barghouti to his home, where he hosted the “engineer” of Hamas for three weeks. Marwan Barghouti gave 500 US dollars (in cash) to Abdullah Barghouti after he was released from the Palestinian prison²². Marwan Barghouti provided clothing for Abdullah Barghouti and also brought his wife and three children for a visit.²³ Marwan Barghouti demanded during those three weeks that Abdullah Barghouti make explosive devices for him.²⁴
16. **In my expert opinion, the gestures made by Marwan Barghouti – providing lodging in his home for a wanted senior Hamas figure for three weeks, paying him 500 US dollars, purchasing clothing for him, and providing lodging to Abdullah’s family so that they could visit with him – are politically significant and communicative. They**

²⁰ (Abdullah Barghouti), Bates P7:131-146.

²¹ p.70 Abdullah Barghouti Book, downloaded from <http://www.goodreads.com/book/show/16082357>.

²² (Abdullah Barghouti), Bates P7:131-146; *see also* deposition of Moab Hassan Yousef dated 1/10/12 at 114:19-115:7.

²³ (Abdullah Barghouti), Bates P7:131-146.

²⁴ (Abdullah Barghouti), Bates P7:131-146; *see also* deposition of Moab Hassan Yousef dated 1/10/12 at 112:18-113:24.

indicate unity of interests. The actors here are two senior Palestinian figures, one from Fatah and the other from Hamas. Marwan Barghouti, the head of Fatah, was well aware that Abdullah Barghouti was wanted, that he was a manufacturer and a sender of bombs and explosive devices. There was no need for such a senior Palestinian figure to hide a wanted person.

17. Ahmad Barghouti (a/k/a “Ahmad al-Faransi”), a PA police officer, worked as the driver and bodyguard for Marwan Barghouti. He belonged to the al-Aqsa Martyrs’ Brigade, the armed wing of Fatah and was a contact person between Marwan Barghouti and other operatives. Among other things, his functions included giving money to operatives and providing them with mobile phone handsets. He engaged in terrorism, including in initiation, planning, issue of arms and weaponry, including suicide bombings.²⁵
18. Ahmad Barghouti sheltered Abdullah Barghouti while it was known to him that he was wanted by Israel and was a key operative of Hamas.²⁶ Indeed, Ahmad admitted to, and was charged and convicted by Israel of, sheltering and aiding a criminal, on the basis of the fact that he provided a safehouse and a pistol to Abdullah Barghouti after Abdullah was released from PA custody.²⁷
19. Marwan Barghouti (of Fatah) and Hassan Yusef (a Hamas leader), who at that time were members of the National and Islamic Forces – the inter-factional entity that coordinated the struggle against Israel during the Intifada – visited Abdullah Barghouti in the Preventive Security Palestinian Prison. During the visit and while Marwan Barghouti and Hassan Yusef were present, Abdullah Barghouti was presented with a new mobile phone by an officer of PA Preventive Intelligence, Abu Ali Tarifi. From the Palestinian Authority prison and using the telephone that was given to him, Abdullah Barghouti contacted Aiman Halawa, the “engineer of explosives” of the Hamas organization in Nablus, and gave him the code words “The tomatoes are spoiled” and said that he had to come to Ramallah to take them. This was code language between the two that described the weapons that Aiman Halawa had delivered as not working properly. Barghouti states in his confession that Halawa understood this, and indeed, after he was released from prison and talked with Halawa, the latter stated that he had taken the weapons.²⁸

²⁵ See Ahmed Barghouti Amended Indictment, September 29, 2002; See Ahmed Barghouti Guilty Plea and Conviction, May 15, 2003.

²⁶ Abdullah Barghouti Statement, May 12, 2003.

²⁷ Id at Criminal Count 51

²⁸ Abdullah Barghouti Statement, May 15, 2003.

Ahmad Barghouti drove Abdullah Barghouti's relatives from the village of Beit Rima to Ramallah to visit Abdullah in the Palestinian prison. Ahmad Barghouti also purchased a new mobile phone for Abdullah Barghouti.²⁹

20. **In my expert opinion, based on my familiarity with Palestinian society, the trip that was made in Marwan Barghouti's Palestinian Authority car, to which he was entitled by virtue of his membership in the Legislative Council, was with the approval of Marwan Barghouti (the head of the Fatah Tanzim in the West Bank, member of the PA Legislative Council on behalf of Fatah and the most powerful Fatah man on the Palestinian street at that time in the entire West Bank. This personal gesture by Marwan Barghouti intimates a trusting and cooperative relationship between Hamas and Fatah and shows that they were working towards common goals. It further indicates that the PA did not respect and even disregarded the allegations against Abdullah Barghouti and treated his arrest and incarceration as a charade.**
21. As noted above, Abdullah Barghouti's release from prison by the PA was on August 27, 2001. He made the bomb which was used in the July 31, 2002 Hebrew University attack. Obviously, he would have been unable to do so, if the PA had not released him.

E. PA/PLO Material Support To Hamas Between September 2000 and July 2002

1. Muhammad Dahlan, the Head of the Preventive Intelligence Service in Gaza, stated during a January 22, 2006 broadcast that during the Second Intifada the PA sheltered Hamas' terrorist leadership, stating that: "All [Hamas'] military commanders have been protected by the [PA] security establishment throughout this Intifada. They were provided with full protection, and Israel has accused us of this several times, and so has the American administration. I was the prominent person to be accused of this." Likewise, in a June 16, 2007, television interview Dahlan stated that: "The Palestinian security forces were those who protected and hid half of the Hamas leadership and of the Hamas military force during the Intifada."
2. Hamas was also permitted by the PA to maintain and operate its entire civilian social and educational apparatus, known as "Dawa" (i.e. all the activities conducted by Hamas to indoctrinate the public with the ideology of Hamas in order to mobilize the people and to get their support and to use the Dawa as a source for recruiting terrorists) in PA territory. The goals of the Dawa are to appeal to all sections of Palestinian society from children to

²⁹ (Abdullah Barghouti), Bates P7:131-146 .

the elderly and women in order to achieve hegemony of Hamas in the Palestinian society.³⁰

3. **In my expert opinion, Hamas would have been unable to carry out terrorist attacks, such as the Hebrew University bombing, if the PA and the PLO had not sheltered Hamas, and allowed it to operate in PA territory.**

F. PA/PLO Financial Support of Abdullah Barghouti and the Other Perpetrators of the Bombing

1. Less than a month after his arrest by Israel, the Ministry of Detainees of the Palestinian Authority opened a file for Abdullah Barghouti [REDACTED]
2. At the top of the payment page in Abdullah Barghouti's file appears the heading in Arabic and English, "The Palestinian National Authority" and on the line below this, "Ministry of Detainees". Abdullah Barghouti's personal details page and [REDACTED]
[REDACTED] 31
3. An additional document of the Palestinian Authority with the heading in English and Arabic, "The Palestinian Authority, Ministry of Detainees, Department of Prisoner Affairs" presents all of the personal details of Abdullah Barghouti, and under the section called "Organization" is written – "Hamas".³²
4. In another document in his file at the Ministry of Detainees, [REDACTED]
[REDACTED] details on his relatives including his wife's identity number and his children's birth certificates and his marriage certificates are provided.³³
5. Additionally, documents and audiovisual recordings produced by the defendants and/or located by the plaintiffs in this action show that the PA is providing financial support to the other Hamas operatives involved in the Hebrew University attack, and that the PA has broadcast programs on PA TV which treat those men as praiseworthy heroes.

³⁰ See e.g. <http://www.shabak.gov.il/publications/study/pages/dawaa-report.aspx>; Barkan, L., The Islamic Block: Indoctrination to the Ideas of Hamas in the Schools in the Gaza Strip, March 22, 2013, available at www.memri.org.il

³¹ Abdullah Barghouti Min of Detainees Docs (Bates 9273-9286).

³² Abdullah Barghouti Min of Detainees Docs (Bates 9273-9286).

³³ Abdullah Barghouti Min of Detainees Docs (Bates 9273-9286).

6. **In my expert opinion, the above facts show that Abdullah Barghouti, who murdered 66 Jews, and the other participants in the Hebrew University bombing, are, in the eyes of the Palestinian Authority, freedom fighters, heroes and models to be emulated.**

G. Conclusions

1. Based on my experience, the professional knowledge that I have accrued and the material that I have presented, it is my expert opinion that **the Palestinian Authority could have prevented, or at least disrupted the planning of, the attack (and other attacks in which he was involved) if its people would have kept Abdullah Barghouti in detention or in incarceration, would have fully interviewed him about his activity, including the weapons that the Palestinian Authority took from his home. The PA and PLO did not act to prevent the attack even though they had clear, solid information on Abdullah Barghouti and the leadership of Hamas in Ramallah that was instigating, initiating and directing terrorism, including the attack in the cafeteria at the Hebrew University in Jerusalem. As I have shown, the Palestinian Authority took only limited, insincere and ineffectual steps, which were taken under pressure by Israel and the U.S., to prevent the activity of Abdullah Barghouti, and which were not intended to impede Abdullah Barghouti from continuing his terrorist activity in the period after his brief arrest. In effect, the PA was working together with him and with Hamas.**
2. The forgiving attitude, and I would **also say the lenient attitude**, that Barghouti received in prison, followed by the personal treatment from the Secretary of Fatah and the head of the Tanzim in the West Bank, Marwan Barghouti, support my expert opinion that the Palestinian Authority had no intention to question Abdullah Barghouti, to prosecute him or to keep him in prison or to prevent his future activity. On the contrary, the PA / PLO / Fatah provided Abdullah Barghouti with financial support, logistical support, refuge and a sanctuary, and allowed him to carry out his plots unhindered by them.
3. **Abdullah Barghouti should have been prosecuted**, or, at the very least, an administrative incarceration should have been ordered because of the potential risk posed by a terrorist of his caliber, and moreover, because explosive materials were found in his home. The Palestinian Authority did not do this. There is no doubt that the impact of the PA's failure here can be seen in the Hebrew University cafeteria attack.
4. Abdullah Barghouti is no simple terrorist. He is a major link in the chain of executing an attack. He is an engineer by trade who specialized in manufacturing sophisticated bombs, such as the bomb that exploded at the Sbarro Restaurant, which was planted inside a guitar. During the days in which terrorism became an everyday occurrence, a terrorist of Abdullah Barghouti's level is extremely dangerous. In my expert opinion, it is more likely

than not that his release from prison indicates that the senior leadership of the Palestinian Authority wanted his release in order to enable his freedom of action and his ability to continue to carry out terrorist acts.

5. Of no lesser importance than this is the coordination between Hamas and Fatah / PA / PLO. There are no fundamental differences between the PLO, the PA and Fatah. It is a matter of hierarchy: the PA answers to the PLO, and Fatah answers to the PA and to the PLO. In any case, Yasser Arafat was the head of the PLO, the head of the PA and the head of Fatah. His authority was very broad, and because he was omnipotent in the Palestinian Authority, it was clear that he knew what was happening in his “kingdom”, including the relationship between Fatah and Hamas and likely also the arrest of Abdullah Barghouti.

The coordination between Fatah and Hamas, at the national level, was through the senior monitoring committee of the National and Islamic Forces Committee and, at the district level, through the headquarters of the National and Islamic Forces.

6. The shelter that Ahmad Barghouti extended to Abdullah Barghouti was not something that was done in a vacuum either, but was undertaken in accordance with directions and instructions that Ahmad had received from his boss and commander, Marwan Barghouti; otherwise the reason for having hidden Abdullah in his home could not be explained.
7. The Palestinian Authority’s arrest of Abdullah Barghouti and Bilal Barghouti was not done in a vacuum. The arrests made by the Palestinian Authority both before and after the Hebrew University attack were based on the results of trusted intelligence material transferred by Israel to the Palestinian Authority as well as requests to the Palestinian Authority for arrests.
8. It is my expert opinion that senior leaders in the Palestinian Authority and Fatah, not just the head of Preventive Intelligence, Jibril Rajoub and the head of the Tanzim, Marwan Barghouti, and the senior and junior members of their headquarters, knew about the terrorist activity of Abdullah Barghouti within the framework of the Hamas organization.
9. In conclusion: The manner in which the Palestinian Authority conducted itself in connection with the arrest and release of Abdullah Barghouti, the mastermind of the Hebrew University bombing, indicates an absolute lack of interest on the part of the Palestinian Authority in preventing terrorist activity that was clearly visible to it. Moreover, senior leaders in the Palestinian Authority and its various apparatuses, exhibited a supportive relationship towards Abdullah Barghouti during the course of his detention, and thus demonstrated cooperation with his activities. In addition, the actions of individual Palestinian leaders in this matter are fully consistent with the general and continuous policies of the Palestinian Authority and Fatah during the relevant time period and at the height of the al-Aqsa intifada, as expressed at various levels.

III. PART TWO - TERRORIST INTERROGATIONS

1. While I have not personally been involved in the interrogation of terrorists, I am familiar with such interrogations ~~from, *inter alia*, my work at the Israel Security Agency~~. Terrorist interrogation is one of the more difficult operations in the work of the Israel Security Service Agency. An interrogator must be skilled and professional in his work: he must have an excellent knowledge of Arabic, including the nuances of the language; he must be familiar with the ideology of the organization to which the suspect belongs; he must be thoroughly familiar with Palestinian society from the socioeconomic and cultural standpoints. An interrogator must be tolerant, patient and quick to catch on; he must know how to exploit the weaknesses of a clever and credible suspect. These are only some of the character traits which an Israel Security Service Agency / Israel Police interrogator needs in order to contend with a subject who is suspected of having perpetrated a terrorist operation.
2. The interrogation of a terrorist by the Israel Security Service Agency is primarily an intelligence tool, the role of which is to induce the subject, who is suspected of terrorist activity, to give out as many details as possible (ideally, all of the details that he knows), of terrorist operations and suspected terrorists – not only the fellow members of his terrorist cell, and not only those within the organization to which he belongs, but also from other organizations as well.
3. Every subject makes and will make all possible efforts to deny his terrorist activity and will do everything he can to provide as few details as possible, especially details with respect to his fellow squad members or his Palestinian friends who are active in terrorism in other organizations. The reasons for this are varied:
 - a. Out of patriotism and loyalty to the organization to which he belongs.
 - b. So as not to be perceived as a traitor, a collaborator (see the discussion on “collaborators” below); or alternatively, so as not to be perceived as a wimp (not a “real man,”) in contrast to the image and the prestige enjoyed by activists in the terrorist organizations in Palestinian society.
 - c. To give away as few details as possible so as not to be sentenced to lengthy imprisonment.
 - d. To look like a “hero” in the eyes of his friends for not having given out details in his interrogation and not having incriminated his friends.
 - e. To grant his friends more time to attempt to escape arrest.

4. In the majority of Israel Security Service Agency interrogations, the subjects, in the course of their interrogation, give out a great number of details on their activity, the activity of the cell to which they belonged and the activity of the organization in which they were members. (In most cases, interrogations are conducted according to intelligence material and circumstantial evidence on the ground.) During the course of the interrogation or after its conclusion, a police interrogator who is competent to accept a confession will take down the suspect's statement. In contrast to the interrogation, which is an intelligence tool, the confession is intended for legal purposes. Accordingly, many indictments that are filed before the courts do not contain all of the details of the interrogation, but only those details which can serve as legal material for a conviction. For example: explanations with respect to the ideology of the organization, or details on the suspect's social connections, cannot serve as legal material before Israeli courts and therefore do not appear in the confession.
5. A frequently occurring phenomenon is that of denial by a suspect with respect to the details which he himself gave in the course of his interrogation. The denial may take several forms:
 - a. The most common argument is that the suspect/interrogatee was tortured during the interrogation and submission of the confession. In many cases, this argument becomes a "trial within a trial", in which the argument is that the confession was extracted under the physical and emotional pressure of torture, and the suspect signed the confession as a result of the pressure and even without knowing what was written in the confession.
 - b. In many cases, a suspect argues that he does not understand Hebrew and that his signature is nothing but a forgery and a distortion of the truth because in fact, he did not understand what the interrogator wrote.
 - c. There have also been cases in which the accused agreed to confess before the Court in order to save himself the need to go into the extensive details of an examination, which would be embarrassing to him.
 - d. A suspect will tell his friends in prison that he "gave out the details of his own activity and did not incriminate his friends, and therefore he is not a traitor."
6. A "collaborator," in the parlance of the PA and Palestinian terrorist organizations is anyone who gives out details to the enemy with respect to the organization to which he belongs in particular and Palestinian society in general. It includes anyone who is related, whether directly or indirectly, to the various entities of Israeli intelligence, or anyone who in the course of his investigation by the Israel Security Service Agency or the Israeli Police, gives out details which lead to the incrimination of Palestinians.

7. Collaborators with Israel are considered by Palestinian society as extremely contemptible persons who may be killed freely. Only one punishment is considered appropriate for them: death. During the first intifada, dozens of collaborators were executed after a lightning court martial, in the ugliest possible way a human being can be put to death. The punishment for collaborators is not only death itself, but the prohibition against burying their bodies in a Muslim cemetery – a punishment from heaven, dooming them to hell. Families of collaborators are also ostracized by Palestinian society; in the majority of cases, their homes are burned, any monetary debts owed to them need not be repaid, and their children are expelled from school. The Palestinian religious establishment and the Mufti of Palestine, on numerous occasions, have published *fatwas* (religious rulings) permitting the free killing of collaborators.
8. Each Palestinian organization or faction establishes a special department of “internal security” which is given the task of locating, arresting, interrogating and punishing collaborators.

Since the establishment of the Palestinian Authority (1994) and since the establishment of the Hamas regime in Gaza (2007), the PA and Hamas have been conducting diverse activities directed against collaborators: public relations campaigns, tracking suspects, arresting and interrogating them, and bringing them to trial. Both in Gaza and within the Palestinian Authority, hundreds of death sentences have been issued against collaborators. In Gaza, more than two dozen collaborators have been executed. In the Palestinian Authority, collaborators were executed until 2004. After that time, death sentences were issued but were not carried out.

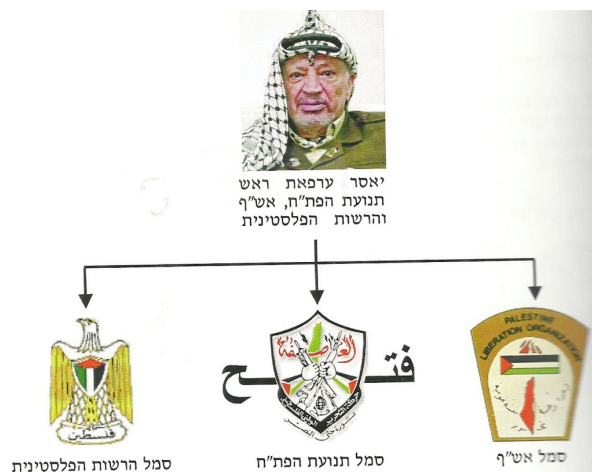
9. Where are the collaborators located following their interrogations?
 - a. In prison: A suspect who is transferred to prison undergoes a series of interrogations by other inmates, in order to hear from him which details he gave out in his interrogation.
 - b. After an inmate is released from prison: He is followed by Palestinian Authority personnel, members of his organization and national activists within society, in order to determine if he is or was a collaborator.

IV. PART THREE - THE CONNECTION AND RELATIONSHIP BETWEEN THE PA, PLO, AND FATAH

1. **On the basis of my professional opinion, my experience, my research studies, my many conversations with members of the PA and with terrorists who are members of**

the various Fatah organizations, it is my expert opinion that there is a complete overlap between the PLO and the PA, on one hand, and between the PLO and Fatah, on the other. This inter-organizational overlap receives a solid and broad foundation in the public and official documents of these bodies and is well known. At the same time, there are also sub-organizations, which are separate and less significant. From my professional point of view, and especially during the period of time to which this expert opinion refers (2000-2004), the PLO, the PA and Fatah, including its various extensions, functioned as a single entity. During the period of time to which this expert opinion refers, the PA was controlled by the Fatah leadership. Specifically, and among other things, all of the central positions in the PA, and principally at the so-called "military" levels, were held by Fatah personnel. Within the framework of this dependency, the PA supported the activity of the Fatah movement, which provided Arafat and the members of his senior leadership with an executive arm for enlisting the masses in the struggle against Israel and created a Fatah hegemony within the PA. Taking into consideration the popularity contest between Fatah and Hamas in the Palestinian street, creating Fatah hegemony within the PA was clearly in Arafat's interest.

2. Yasser Arafat wore three hats: he served as Chairman of the PLO, Chairman of the PA and the head of Fatah. By virtue of holding these positions, Arafat also was in charge of the Palestinian executive branch, and served as the supreme commander of all of the PA's security organizations. In addition, as the Head of Fatah, Arafat was also the supreme commander of Tanzim, the al Aqsa Martyrs' Brigades and all of the other organizations within Fatah and thereby provided them with a source of legitimacy. Further, as the head of the PLO, Arafat was the source of legitimacy for the PA itself, because the PLO was the Palestinian counterpart to the Oslo Accords and related agreements signed with the Government of Israel by which the PA was created as the administrative entity which represents the PLO.



Yasser Arafat, Head of the Fatah movement, the PLO and the PA

Emblem of the PA

Emblem of the Fatah
movement

Emblem of the PLO

Arafat was the undisputed leader of the PLO, the PA and Fatah. It is well known that he always prevailed in the face of opposition, and his word was definitive and binding. According to a psychological analysis of Arafat performed in 2001, “Arafat’s strategy for the achievement of his objectives is based on both political negotiations and the continuation of the armed struggle. His choice of the diplomatic way, in Oslo, is perceived by him as one strategy for the attainment of his objectives, and when that strategy did not enable him to progress, even for a limited period of time, he took the tools of violence out of the toolbox.”³⁴

3. The PLO, the PA, and Fatah have a unified financial system. The PA, which also receives funds from significant outside sources (donations from the international community), is the entity which supplies the funding to the PLO and its extensions. Moreover, it also provides the funding to Fatah, which is the most important organization within the PLO.³⁵
4. Organizationally, the three entities are almost completely uniform: Fatah provides the majority of the human resources to the PA and its various extensions, including the security and information organizations, and Fatah also provides the great majority of the PLO personnel. The organizational system of the PLO supports the PA and vice versa.
5. From the time it was formed, the PA has had the same goals as the PLO. The existence of these two entities enables coordinated Palestinian activity on parallel planes, aimed at the same objective but utilizing different tools.
6. **In my expert opinion, based on the organizational, financial, and ideological unity discussed above, the PLO, PA and Fatah would not have been in conflict with each other during the 2000-2004 time period. By way of metaphor, the PLO and the PA may be considered as “father and son”, and Fatah is an integral part of that “family.”**

³⁴ Dr. Shaul Kimchi, Dr. Shmuel Even, Prof. Gerald Post: *Yasser Arafat: a Psychological Portrait and a Strategic Analysis* [Hebrew]. The study was prepared for the International Institute of Counter-Terrorism, under the auspices of the Herzliya Interdisciplinary Center, in 2001. The report may be downloaded from uploaded.fresh.co.il/3d8ebfdf6b61e758.doc

³⁵

<http://web.archive.org/web/20070810225320/http://www.intelligence.org.il/eng/bu/financing/pdfs/11.pdf>

7. The PLO and its various arms constitute the umbrella organization for all of the Palestinian organizations, the objectives of which include, *inter alia*, the establishment of a Palestinian state with Jerusalem as its capital, the return of the Palestinian refugees to their homes and villages, and the release of all Palestinian security inmates from prisons within Israel. The current declared strategy of the majority of the PLO entities is parallel activity on two fronts, based on the interests, circumstances and particular time period – existence of a political process side by side with continued “resistance” in its many forms - armed struggle, terrorism, popular struggle, delegitimization of Israel and other means of struggle, with a view to forcing Israel to agree to the objectives of the organization. The PLO is the legitimate representative of the Palestinian people, and has also obtained international, Arab and even Israeli legitimization for that purpose. The PA is the administrative entity of the Palestinians, which was established pursuant to the Oslo Accords, and through which the PLO promotes its diplomatic objectives by various means of struggle.
8. Fatah is the largest and the most dominant of the organizations which make up the PLO. The former leader of Fatah, Yasser Arafat, served from 1969 and until his death in November 2004 as the Chairman of the PLO, and, in various ways, created almost complete unity between the policy of the PLO and that of Fatah.
9. Fatah as a popular organization, which appeals to all sectors of the Palestinian public, established a series of sub-organizations, with the purpose of promoting and serving the organization. Among sub-organizations, Fatah established terrorist groups in every period of time according to its needs, in order to serve the supreme Fatah leadership and its objectives. These groups include the al-Asifa organization, which is the military arm which the Fatah leadership fostered during the 1970s and 1980s, and the Black September organization. In the last two decades, Tanzim and the al Aqsa Martyrs’ Brigades have constituted the most prominent and important terrorist entities within Fatah.
10. Like many other political movements, Fatah established a youth movement – Shabiba – whose role is to recruit young people and to create an infrastructure for the development of cadres and operatives for the arms of Fatah, and through this to its terrorist activities. Thus, Palestinian youth who are active in “Shabiba”, grow and mature and gather experience and then they join Tanzim, which is for older activists.
11. The Shabiba organization – the Fatah youth organization – was founded in the early 1980s as an integral part of Fatah. The idea of establishing the organization came from Abu Mazen (that is, current PA President Abbas), who wished to copy the original Communist pattern in the Soviet Union. The idea took shape within the prisons, and released prisoners, soon after their return to society, began to establish the organization at al-Najah University in Nablus, and subsequently to the other universities in the territories. Initially,

there were admission requirements – for example, formerly incarcerated prisoners with a past history in Fatah, or students; slowly, however, the organization was also opened to the general public and became the Fatah youth movement, from which cadres and activists sprang up – including those of the organization’s military arm. Most of the activity took place in universities in the territories. Fatah’s Shabiba members were the dynamo of the first intifada; they were its activists and they were the ones who motivated the public.

12. The one who provided Shabiba with the budgets, the guidance and the Fatah spirit was Khalil al-Wazir, Abu Jihad, who was actually the Fatah Chief of Staff. Within the territories, the most prominent personage to disseminate the idea was Abu Ali Shahin, one of the heads of Fatah, who also served as a minister in the PA government. In the late 1980s and the early 1990s, wings of Shabiba were also established outside the sectors of released prisoners and students – for example, in the women’s sector; within a brief period of time, cells were established in every village, urban neighborhood and refugee camp.³⁶ By the time of the first intifada, Shabiba had become an educational-organizational entity, which was in charge of promoting the Fatah objectives and propagating the organization’s ideology. Since the beginning of the intifada, however, Shabiba has come to be increasingly identified with the Fatah movement and its political policies vis a vis Israel, and its members have become the spearhead of the uprising. Following the establishment of the PA, Shabiba, together with the entire Fatah movement, was made subordinate to the PA, and Marwan Barghouti was assigned to head it.³⁷
13. Below, I provide some images relating to Shabiba:

3.



³⁶ For Shabiba’s Articles of Association, see <http://fatehsal.alafdal.net/t19-topic>

³⁷ See http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver_bvvr.htm

Shabiba members in a military parade. The inscription on the headband reads *al-shabiba al-talibiyya*, “the students’ Shabiba.”³⁸



The official seal of Shabiba.



The Hebron Shabiba. Source: <http://www.paldf.net/forum/showthread.php?t=983847>

14. It is well known that terrorism cannot exist for long periods of time without public support, funds, weapons and the support of a leadership which gives it legitimacy by various means. Terrorism lacking in public support will not endure. Terrorism without

³⁸ <http://www.wafa.ps/arabic/index.php?action=detail&id=145890>

funds cannot continue to exist, because the dispatch of operatives for the perpetration of terrorist attacks also involves considerable financial expenditures – if only for the purchase of arms and material. A terrorist organization needs the support of sympathizers, who serve as a source of personnel for the terrorist cells and the backbone of the organization. To this end, a terrorist organization requires a well-oiled system of branches, public relations, ideology, activity among youth and student groups, and the like. No less importantly, an organization needs to look after its people who have been imprisoned, sentenced, wounded or killed as well as their family members.

- 15 My expert opinion covers a series of subjects which have to do with the relationship between the PLO, the PA, Fatah and terrorism within Fatah, in order to illustrate the overlap between them, to point out the ways in which the struggle of terrorism has created a hegemony within Palestinian society, and to emphasize how these organizations operate for the purpose of encouraging and sustaining terrorism and providing the logistics for terrorist activity.
16. The PLO and PA operate funds to provide financial support the families of terrorist inmates.
17. **In my expert opinion, monetary grants and ongoing financial support for the families of terrorists who are killed, incarcerated, wounded or released from Israeli prisons constitute part of a system which promotes terrorism in the struggle against Israel by the PA and the PLO. The grants garner broad-based support among the population for the activities conducted by the PA and the PLO. By providing monetary grants to persons who were active in terrorism, the PA and the PLO convey the positive and supportive attitude for those who are at the forefront of the struggle and that the PA and the PLO will not abandon those who have worked to promote their goals. This gives terrorists an incentive to continue operating, based on the knowledge that, if they die or are wounded, the terrorist incident will not create a burden for their families, but rather the Palestinian leadership will continue to assist them.**
18. There are many sources for the funding that is paid by the PA and the PLO to terrorists who were killed, injured or incarcerated and their families.³⁹

V. PART FOUR - PLO/PA PAYMENTS TO TERRORISTS AND THEIR FAMILIES

1. From time to time, Yasser Arafat used to allocate funds from the presidential budget – as Mahmoud Abbas (hereinafter: “Abu Mazen”) does to this day to terrorist activities. On March 3, 2011, Abu Mazen budgeted \$2,000 to the family of a martyr, an Islamic Jihad

³⁹ See e.g. a discussion of British funds in: <http://www.inn.co.il/News/News.aspx/245979>

activist, Salam Mohamed Samoudi, a resident of Aliamoun, who sought to carry out a terrorist attack at an army checkpoint in the Jenin area.

2. The PA budget for payments to the families of *shahid* martyrs and security prisoners is approximately NIS 44 million per month.⁴⁰ Of that amount, NIS 18 million per month is spent on inmates' salaries and more than NIS 26 million per month goes to the families of *shahid* martyrs (that is, terrorists) – for a total of more than 6% of its budget.⁴¹ This was the case at least in May 2011.
3. The Welfare Fund for the Families of the *Shahid* Martyrs and the Wounded (hereinafter: the “Welfare Fund”) was established by the leadership of the PLO in 1965.⁴² It is headed by Umm Jihad whose real name is Intisar al-Wazir. She is the widow of Khalil al-Wazir (the commander of Fatah terrorist operations, who was eliminated by Israel in Tunis in April 1988). The Department was officially affiliated with the PLO in 1971; since then, it has been caring for the families of killed, wounded and incarcerated Palestinians throughout the world.⁴³ The monies of the Welfare Fund are allocated from the treasury of the PLO, which, since 1993, has been funded from the treasury of the PA. The function of the Department is to ensure the welfare of the families of killed, wounded and incarcerated Palestinians, with respect to both day-to-day existence and assistance in the areas of health and education.
4. Upon the establishment of the PA in 1994, Umm Jihad moved the main office of the Welfare Fund to Ramallah. In addition, the organization has branches in Jordan, Lebanon, Syria, Egypt and Iraq. Between 1994 and 2005, the Welfare Fund was part of the Ministry of Welfare of the PA; in other words, it officially belonged to the PA and was budgeted directly from the PA – specifically, from the budget of the Palestinian Ministry of Welfare, which was headed by Umm Jihad. Since 2005, when Umm Jihad's term as PA Minister of Welfare ended, the organization was again made subordinate to the PLO and now operates under the PLO umbrella. In my expert opinion, the Welfare Fund was returned to the PLO rubric in order to preserve the special status of Umm Jihad and to give her the honor appropriate to the status of her assassinated husband.
5. The Welfare Fund has 17 offices throughout the West Bank and the Gaza Strip. It provides funds and care to approximately 30,000 families of killed and wounded Palestinians in the territories and 23,000 additional families throughout the Arab world.

⁴⁰ <http://heb.rsliissak.com/archives/804>

⁴¹ <http://www.mako.co.il/news-military/security/Article-142424bb60d8931017.htm>

⁴² www.youtube.com/watch?v=RW05zgz3JNg

⁴³ <http://askry.net/?action=post&postid=10818>

The family of anyone who has been killed or wounded as a result of the conflict is entitled to receive a pension from that Fund.⁴⁴

6. The organization grants a monthly pension to the families of the killed and wounded; provides medical insurance, in coordination with the Palestinian Ministry of Health; provides free education, including higher education, for the orphans of Palestinians who have been killed, in coordination with the Palestinian Ministry of Education; and sends the children of families under its care to camps during the summer and school vacations.⁴⁵ It is emphasized that throughout the years, the Fund has enjoyed the support of the Palestinian leadership (Arafat, Abu Mazen, Salam Fiad) and even merited a budget increase by the PA government.
7. The definition of the term “*shahid* martyrs” includes scores of terrorists who committed suicide bombing operations, or who were killed while they were engaged in preparations for the perpetration of terrorist attacks.⁴⁶
8. Thus, for example, payments to the families of *shahid* martyrs, during the month of May 2011, came to a total of NIS 26,458,137.⁴⁷
9. Saddam Hussein, then-ruler of Iraq, granted monetary awards of up to \$25,000 per suicide bomber to the family members of suicide bombers as support for suicide terrorists. That money traveled through Fatah and the PA and constituted a central incentive to terrorist attacks by suicide bombers. Fatah’s support in transferring funds is equivalent to the adoption of an official position by the PA, Fatah and the PLO with respect to terrorist attacks by suicide bombers. Senior Fatah officials and members of the public also attended the August 2002 ceremony in Hebron in which these grants from Saddam Hussein were awarded.

VI. PART FIVE - THE PALESTINIAN MINISTRY OF PRISONERS’ AND RELEASED PRISONERS’ AFFAIRS

1. Upon its establishment, the PA created the Ministry of Prisoners’ Affairs, which was responsible for making efforts to improve the conditions of incarceration of the Palestinian

⁴⁴ <http://askry.net/?action=post&postid=10818>

⁴⁵ <http://askry.net/?action=post&postid=10818>

⁴⁶ <http://www.inn.co.il/News/News.aspx/240510> July 3, 2012

⁴⁷ <http://heb.rslissak.com/archives/804>

security prisoners in Israeli prisons;⁴⁸ looking after their families by paying them a monthly salary; providing assistance to the prisoners' children in the fields of health and education; rehabilitating the released prisoners; and providing the prisoners with legal aid.⁴⁹

2. The security prisoners in the Israeli prisons are considered by the PA as Palestinian civil servants and Palestinian military personnel. Issa Qaraqe, the PA's Minister of Prisoners' Affairs said: "They [the prisoners] are civilian civil servants and military personnel."⁵⁰ By virtue of that status, they are paid a salary which is sometimes much higher than that of Palestinian bureaucratic officials. The salary of a terrorist who has been sentenced to several concurrent terms of life imprisonment is likely to be as high as NIS 10,000 (roughly equivalent, in March 2013, to \$2600) per month. The salaries are paid to the terrorists' family members and are tax-exempt.
3. Section 3 of the Prisoners' and Released Prisoners Law, which was enacted in 1996 and amended in 2004, establishes the framework for benefits to prisoners:
 - a. Fulfilling all of the legal needs in order to assist the prisoner.
 - b. Granting the monetary rights to the prisoner and his family, pursuant to the various sections of the Law, and in a matter which is commensurate with the customary pay grade.
 - c. Providing the prisoner and his children with the possibility of acquiring an education.
 - d. Vocational training for released prisoners.
 - e. Securing jobs for released prisoners in accordance with criteria which take into account the years of the sentence served and the prisoner's education.
4. Pursuant to the Prisoners' and Released Prisoners' Law, 2004/19, – "Anyone who is imprisoned in Israel against the background of his participation in the struggle against the occupation" – is entitled to a salary. Until 2011, the salaries were relatively low. Thus, for

⁴⁸ On the security prisoners in Israeli prisons, see Ronny Shaked, "The Security Prisoners in the Israeli Prisons" [Hebrew], *Ro'im Shabas*, pp. 26-29. See: http://www.shabas.gov.il/NR/rdonlyres/0947556F-F6D6-49C9-B878-AC8737F8EA1B/0/Asirim_bithony_2326.pdf

⁴⁹ <http://www.freedom.ps/showRep.php?tbl=aboutus&id=1>

⁵⁰ Nadav Shragai, "Terrorism Pays" [Hebrew], *Israel Hayom*, August 26, 2011. <http://digital-edition.israelhayom.co.il/Olive/ODE/Israel/Default.aspx?href=ITD/2011/08/26>

example, a prisoner who had completed five years of incarceration received a salary of NIS 1,000 per month while a prisoner who had completed 25 years of incarceration received a salary of 4,000 per month. However, starting at the end of 2010, the Law was amended granting prisoners a considerable raise – in some cases, the raise was 300%. In an official document of the PA, signed by Palestinian Prime Minister, Dr. Salam Fayyad, the monthly remunerations were updated. Thus, for example, the update stated that a prisoner who had been incarcerated in an Israeli prison for a period of up to three years would receive a base salary in the amount of NIS 1,400 per month. Anyone serving a sentence of three to five years would receive NIS 2,000 per month – which is almost equivalent to an average salary in the PA. The entitlement to receive money is extended to all prisoners, irrespective of the severity of the offense which they had perpetrated or the organization to which they belong.⁵¹ Pursuant to the Prisoners' and Released Prisoners' Law, every prisoner who is serving a prison sentence of more than 25 years is entitled to a monthly pension of NIS 4,000, a grant in the amount of \$10,000 upon his release, and a position with the status of Undersecretary in the PA – that is, a senior position with a high salary.

Following are the amounts of the salaries which the PA pays to security prisoners:⁵²

- Terrorist serving 1-3 years: NIS 1,400 per month.
- Terrorist serving 3-5 years: NIS 2,400 per month.
- Terrorist serving 5-10 years: NIS 4,000 per month.
- Terrorist serving 10-15 years: NIS 6,000 per month.
- Terrorist serving 15-20 years: NIS 7,000 per month.
- Terrorist serving 20-25 years: NIS 8,000 per month.
- Terrorist serving 25-30 years: NIS 10,000 per month.
- Terrorist serving 30 years or more: NIS 12,000 per month.

Following are the ancillary payments made by the PA under specified circumstances:

⁵¹ <http://www.mako.co.il/news-military/security/Article-142424bb60d8931017.htm>

⁵² <http://heb.rslissak.com/archives/804>

- Married terrorists receive a supplement of NIS 300 per month.
 - Terrorists with children receive a supplement of NIS 50 per child per month.
 - Terrorists from East Jerusalem who are incarcerated in Israeli prisons receive a supplement of NIS 300 per month.
 - Terrorists who are Israeli Arabs who are incarcerated in Israeli prisons receive a supplement of NIS 500 per month.
5. As noted above, terrorists who hold Israeli citizenship –referred to in the PA as “internal Arabs” – receive higher salaries than those of terrorists with otherwise identical particulars who hold Palestinian citizenship.⁵³
 6. In May 2011, security prisoners who were detained or serving sentences in Israel received salaries in the total amount of NIS 17,678,247 – an amount which represents approximately 2.5% of the “Salaries” item in the budget of the PA. The allocations to the families of *shahid* martyrs within and outside the PA totaled NIS 26,458,137, 3.5% of the “Salaries” item. The majority of the security prisoners’ salaries were paid in the West Bank; the lion’s share of the allocations to the families of *shahid* martyrs was paid in Gaza. The average monthly salary of a security prisoner is NIS 3,129.
 7. The conditions of incarceration which are enjoyed by security prisoners in Israeli prisons include a large number of benefits paid for by the PA Ministry of Prisoners’ Affairs.⁵⁴ Among other things, security prisoners benefit from 12 cable TV channels, a television in

⁵³

<http://www.jcpa.org.il/Templates/showpage.asp?FID=762&DBID=1&LNGID=2&TMID=99&IID=25289>

⁵⁴ See Amit Cohen, “Feasting and Free Internet: the Good Life of Terrorists in Prison” [Hebrew], *Maariv*, June 15, 2011. <http://www.global-report.com/disillusion/a1135-%D7%A8%D7%95%D7%97%D7%95%D7%AA-%D7%A9%D7%97%D7%99%D7%AA%D7%95%D7%AA-%D7%95%D7%90%D7%99%D7%A0%D7%98%D7%A8%D7%A0%D7%98-%D7%97%D7%95%D7%A4%D7%A9%D7%99-%D7%94%D7%97%D7%99%D7%99%D7%9D-%D7%94%D7%98%D7%95%D7%91%D7%99%D7%9D-%D7%A9%D7%9C-%D7%94%D7%9E%D7%97%D7%91%D7%9C%D7%99%D7%9D-%D7%91%D7%9B%D7%9C%D7%90>

every cell, extra meat, *baklawa* pastry, fruit and vegetables, prime-quality olive oil and various delicacies, which the PA sends into the prisons, as well as newspapers and magazines from all over the world.⁵⁵ Security prisoners can earn a secondary school matriculation certificate, at the PA's expense, while incarcerated. In recent years, these benefits have encouraged Palestinian youth to instigate violent activities (stone throwing and throwing of Molotov cocktails) directed at Israeli targets in the West Bank, in order to be arrested and enter the Israeli prisons.⁵⁶

8. The PA deposits money each month for the benefit of the prisoners, in order to improve their quality of life in prison. The money in question is deposited into the prisoners' accounts in the prisons, and is used by the prisoners to purchase various products.⁵⁷
9. The PA paid (the practice was stopped recently by Israel) for higher education for the prisoners. In 2010, 210 security prisoners pursued a higher education through the Open University of Israel.⁵⁸ According to a report issued by the PA in 2013, approximately one quarter of the prisoners are studying to complete their secondary school matriculation certificate or are pursuing higher education.⁵⁹
10. To illustrate, Abdallah Barghouti, a member of Hamas, who murdered 66 Israelis and was the perpetrator in the Hebrew University bombing, is receiving this year NIS 4,000 per month + NIS 300 for being married + NIS 100 for his two children, for a total of NIS 4,400 per month, or NIS 52,800 per year. (That was approximately equivalent to \$14,000 in using the conversion rate in March 2013.) In 2012, when he reaches 10 years' imprisonment, his pay will be raised to NIS 6,000 + 300 + 100 = NIS 6,400 per month, or NIS 76,800 per year. (That was approximately equivalent to \$21,000 in using the conversion rate in March 2013.)
11. Similarly, each of the murderers of the Fogel family – there were five victims, ranging in age from 36 years to just 3 months, each was stabbed to death in their home – from the

⁵⁵ See an illustrative short film at <http://www.hakolhayehudi.co.il/?p=54554>

⁵⁶ See Hamas Terrorists Wanted Jail to 'Earn' PA Salary, Israel National News, February 14, 2012, P1:482.

⁵⁷ <http://www.myrighs.co.il/%D7%96%D7%9B%D7%95%D7%99%D7%95%D7%AA-%D7%90%D7%A1%D7%99%D7%A8%D7%99%D7%9D-%D7%91%D7%99%D7%98%D7%97%D7%95%D7%A0%D7%99%D7%99%D7%9D/>

⁵⁸ <http://www.nrg.co.il/online/1/ART2/427/535.html>

⁵⁹ <http://www.heskem.org.il/media-view.asp?id=2282&meid=97>

settlement of Itamar began his sentence with a salary of NIS 1,400 per month from the PA; over time, their incomes will increase to NIS 12,000 per month each.⁶⁰

12. **In my expert opinion, it is clear (and the statement of PA Minister Issa Qarage referred to above confirms) that the prisoner's salary, which is transferred to his family, is not simply a social welfare benefit to relieve economic distress, but is intended as compensation for carrying out the terrorist operation. The salary is derived from the nature of the terrorist operation, the period of imprisonment which was pronounced in the court sentence, and the terrorist's citizenship. It does not vary according to economic need.**
13. In addition, funds which do not come from the treasury of the PA, but which are in the nature of encouragement and support by the PA and the PLO and their leaders, are paid to terrorists, released prisoners and their families. Following are a number of examples:

- a. On November 1, 2005, a festive ceremony took place in the Gaza Strip, in which the "Al-Ansar Charitable Society" distributed the amount of \$1 million. This amount was donated by Iran to the families of *shahid* martyrs (that is, terrorists), whose homes had been demolished, and to families of prisoners in the Gaza Strip. The ceremony took place under the patronage of Abu Mazen (AKA PA President Mahmoud Abbas), who was represented by Hisham Abd al-Razaq, a former Minister of Prisoners' Affairs, and was attended by a number of members of the "Legislative Council." Abd al-Razaq gave a speech on behalf of Abu Mazen. The Al-Ansar Society is an Islamic charitable society, which was founded in 2001. Two years later, Israel declared it to be a "proscribed organization". The Society is active in the Gaza Strip, maintains close ties with Iran, and constitutes a Palestinian extension of the Iranian "Casualties' Fund". The Society is subordinate to the "Martyrs' Institution" in Lebanon, which belongs to Hezbollah and funds the families of "martyrs" in the Gaza Strip to this day.

Nasr al-Sheikh, the Chairman of the Al-Ansar Society, stated at the ceremony that the "Casualties' Fund", which operates in Iran, also extends its patronage to all of the families of *shahid* martyrs who fell in the defense of the Palestinian soil. According to his statement, since the beginning of the conflict, the Society has assisted approximately 3,996 *shahid* martyrs (\$5,000 to each of their families) and 200 prisoners (\$1,000 to each prisoner). In addition, according to his statement, the Al-Ansar Society pays monthly salaries to the families of

⁶⁰ <http://www.mako.co.il/news-military/security/Article-142424bb60d8931017.htm>

1,940 martyrs, in amounts which range from \$75 for the son of a *shahid* martyr to \$250 for a *shahid* martyr who was married.⁶¹

- b. A member of the Legislative Council on behalf of Fatah, Abbas Zaki, who also serves as a member of the Fatah Central Committee, participated in a ceremony in Hebron in August 2002, in which the amount of \$10,000 – a grant from Saddam Hussein, then President of Iraq – was granted to the families of 12 *shahid* martyrs. At the ceremony, Abbas Zaki presented a detailed analysis of the admirable leadership qualities of Saddam Hussein, which, he said, were worthy of imitation. Zaki also analyzed the qualities of militancy and leadership which had characterized the *shahid* martyr Marwan Zaloum (who had been the commander of the al Aqsa Martyrs' Brigades in Hebron), "whose eyes were always raised toward martyrdom and not toward [the attainment of] any position."⁶²
- c. A report on the activity of Orient House (i.e. PA/PLO headquarters) in Jerusalem, pursuant to the examination of thousands of documents and recordings which were seized in the building, indicates that the PA, acting through societies administered by Orient House and donations from Saudi Arabia, provided assistance to the families of suicide bombers and served as an incentive to suicide bombing operations.⁶³
- d. In June 2001, Arafat granted the amount of \$5,000 to the terrorist Lamia Maarouf, a member of Fatah who had been released from prison. She had been detained in connection with the kidnapping and murder of a soldier in 1987.⁶⁴
- e. Marwan Barghouti, the Secretary of Fatah in the West Bank, funded the families of terrorist activists pursuant to requests by Arafat. In his interrogation, he stated that he had forwarded requests for assistance from the families of suicide bombers to Arafat, and even justified his request by saying that there was no difference between the suicide bomber and a person who had been killed; as he

⁶¹ <http://www.inn.co.il/News/News.aspx/128434>

⁶² http://www.memri.org.il/cgi-webaxy/sal/sal.pl?lang=he&ID=107345_memri&dbid=articles&act=show3&dataid=1339

⁶³ <http://dc.fresh.co.il/Scoops/77651.html>

⁶⁴ http://www.terrorism-info.org.il/Data/pdf/PDF1/sib5_3_04_202476748.pdf

saw it, they were all *shahid* martyrs. In addition, Barghouti arranged for funding for the families of detainees and wanted persons who were Fatah activists.⁶⁵

- f. On February 3, 2011, the Governor of Jenin, Qadura Musa, a senior member of Fatah, issued a grant on behalf of the Office of the [Palestinian] President to the family of the 24 year old *shahid* martyr Salem Muhammad Samudi from the village of al-Yaamun, west of Jenin. The governor stated that the grant represented financial assistance in the amount of \$2,000, “which the President [Mahmoud Abbas] had granted to the family of the casualty, who was shot and killed last month by soldiers at the military checkpoint near the entrance to the settlement of Mevo Dotan, south of Jenin.”⁶⁶
- g. Each of the prisoners who were released in the Gilad Shalit deal was given a grant in the amount of \$5000, allocated from the treasury of the PA. A total of \$5 million was paid out.⁶⁷ The recipients of the grants included members of Hamas⁶⁸ and the Islamic Jihad, who had murdered or wounded Israelis.⁶⁹

14. Palestinian law guarantees certain terrorist prisoners a position in the PA government. Section 3 of the Palestinian Prisoners’ Law states as follows:

⁶⁵ See Section 70 of the ruling in Criminal Terrorism File 1158/02 (Tel Aviv District Court): http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver_bvtn.htm

⁶⁶ Published in the Palestinian newspaper *al-Quds*, February 3, 2001. Cited in <http://www.jcpa.org.il/JCPAHeb/Templates/showpage.asp?FID=762&DBID=1&LNGID=2&TMID=99&IID=25259>

⁶⁷ <http://hebrew.trib.ir/news/politic/item/162807-5000-%D7%93%D7%95%D7%9C%D7%A8%D7%99%D7%9D-%D7%9C%D7%9B%D7%9C-%D7%90%D7%A1%D7%99%D7%A8-%D7%A4%D7%9C%D7%A1%D7%98%D7%99%D7%A0%D7%99-%D7%9E%D7%A9%D7%95%D7%97%D7%A8%D7%A8>

⁶⁸ Ziad Abu Ain, Deputy Minister of Prisoners’ and Released Prisoners’ Affairs in the PA, stated in an interview to the “On the Table” program of the Palestinian television network *Ma’an (al-Bayan)*, December 27, 2009) that the total amount which is allocated by the PA from its salary budget for released prisoners who are members of the Hamas movement comes to approximately NIS 4 million (per month). This amount, according to his statement, accounts for approximately 70% of all salaries and assistance grants which are paid by the Ministry of Prisoners and Released Prisoners in the West Bank. Cited in <http://www.maannews.net/arb/ViewDetails.aspx?ID=249973&MARK>

⁶⁹ Published in *al-Hayat al-Jadida*, the official journal of the PA, on December 28, 2011. Cited in <http://www.palwatch.org.il/main.aspx?fi=448&page=5>

Every released prisoner has the right to be promised a position in one of the government ministries or the organizations of the Authority, provided that the following conditions apply to him:

- a. He has served a sentence of five years' imprisonment or more as a result of his struggle against the occupation [(i.e. Israel)], whether that sentence was served all at once or in separate periods of time.
 - b. The period / periods in question must be documented in official documents which are issued by the Red Cross, or documentation by the office in charge of the case, proving the veracity of his imprisonment.
 - c. Prisoners who were detained in the past, or were detained in Arab prisons, against the background of the struggle on behalf of the [Palestinian] problem, and who are not in possession of official documents issued by the Red Cross, are entitled to obtain [a document] from the Minister which confirms and verifies the detention.
 - d. The released prisoner does not work for an official or non-government institution, from which he receives a regular salary.
 - e. He does not have any other source of income, whether from trade or from the operation of a workshop or factory or an office for the provision of services, from which he receives an adequate salary.
 - f. He does not own any land or real estate or other assets which give him a permanent income that enables him to live with dignity.
 - g. On an exceptional basis, the same terms shall apply to female prisoners who served a sentence of not less than two and one half years' imprisonment, and this salary shall be stopped when the female prisoner in question obtains employment.
15. The Ministry of Prisoners' Affairs also arranges for prisoners to be "rehabilitated" after their release. The rehabilitation is provided through monetary grants, which are primarily

intended to enable the former prisoner to enter a profession. The principal form of assistance, however, is the granting of positions to security prisoners within the bureaucracy of the PLO, the PA or Fatah, and primarily by recruiting the prisoners into the Palestinian security organizations. The “rehabilitation” is carried out in coordination with the various government ministries. Thus, for example, the PA announced a program for the absorption of released prisoners: on May 26, 2010, the newspaper *al-Ayam*, which is published in Ramallah, reported on a program by the Minister of Agriculture, Dr. Ismail Daik, in cooperation with the Ministry of Prisoners’ and Released Prisoners’ Affairs, the purpose of which was to find employment for 2,000 prisoners who had been detained for periods not in excess of five years. The proposal was put before the Government and its Prime Minister, Dr. Salam Fayyad, for deliberation and decision. The Minister of Agriculture clarified that the program would include the grant of loans to released prisoners, for the purpose of improvement of Palestinian soil, which could then be used to increase the harvest.⁷⁰

16. After the conclusion of his sentence of imprisonment, each released Palestinian prisoner receives a salary for six months, until he is given an official position in the institutions of the PA. Each prisoner who served more than five years’ imprisonment receives an allowance in the amount of NIS 1,200-2,000, which continues without interruption until he is given a position.⁷¹
17. The PA also arranges for accommodations for released prisoners. In November 2011, the PA announced that it would build residential units for released prisoners.⁷²
18. The Israel Security Service Agency believes that the monies in question constitute a motive for the perpetration of terrorist acts. A report by the Israel Security Service Agency on suicide bombings stated as follows:

The headquarters of the terrorist organizations initiate and control terrorist activity by transferring large amounts of money to terrorist activists on the ground, who earn their living by directing terrorist activity and do not necessarily operate on the basis of purely ideological motives. In many cases, the perpetrators who are recruited to carry out suicide bombings are Palestinians with financial or social problems, who agree to carry out the terrorist attack in exchange for a promise that the

⁷⁰ <http://www.heskem.org.il/media-view.asp?id=2282&meid=97>

⁷¹ <http://www.inn.co.il/News/News.aspx/198342>

⁷² <http://www.mako.co.il/news-channel2/Weekend-Newscast/Article-012195aa8457331017.htm>

terrorist organization, in the name of which they were sent out, **would ensure their families' financial welfare after their death**" (emphasis added).⁷³

19. **In my expert opinion, money is an incentive for terrorist operations in Palestinian society. When a terrorist knows that, after his death, his family will receive not only honor, but also the payment of a monthly salary and other benefits, he knows he will be able to rely on the PA to continue to support his family. The granting of the financial assistance and the considerable public coverage of such grants by the Palestinian media, which is recruited to cover all aspects of such payments, ensure that the payments become a tool for encouraging enlistment in, and assistance of, terrorism.**
20. **In my expert opinion – the monthly salary, the monies paid into the prisoners' canteen accounts, the fact that their families are cared for – as well as the incarceration of several terrorists in a shared cell, in order to reinforce social and organizational cohesion, and the ties existing between security prisoners and their cohorts outside of the prison, all make it easier for prisoners to intensify their ideological commitment and return to terrorist activity upon their release. Between 1993 and 1999, a total of 6,912 terrorists were released, of whom 854 (12.4%) had been previously arrested for murderous terrorist activity (as of August 2003). According to various estimates of the security services, between 40% and 50% of the released terrorists have returned to terror activities of some kind – attacks, financing, logistics, organization and more.**
21. **In my expert opinion, the very fact that official representatives on behalf of the PA participate in the distribution of monies to the families of terrorists who have been killed not only legitimizes terrorism, but also encourages the general public to follow in the footsteps of the killed terrorists.**
22. **In my expert opinion, the support for the families of terrorists to have been killed, wounded and incarcerated expands the support of terrorism and exploits money as a tool for globalization of terrorism and the terror network. A terrorist who perpetrates terrorist attacks is aware that his family will receive money after his imprisonment, death or injury. This knowledge naturally increases young people's motivation and willingness to join the ranks of terrorism.**

⁷³ ISA, Pamphlet on Suicide Bombers

23. **In my expert opinion, one of the overt operations carried out by the PA in order to encourage terrorism is the monthly support which is provided to the families of terrorists who are serving sentences in Israeli prisons for terrorist operations. The support is provided in the form of a monthly salary and additional benefits, similar to those received by employees of the PA. The payment makes no distinction among the various organizations. Activists in Fatah, Hamas or al-Qaeda receive similar amounts from the PA treasury. The payment is made by the Finance Department of the Ministry of Prisoners' Affairs in the PA.**
24. **In my expert opinion, the fact that prisoners are guaranteed a fixed salary, which is higher than those of other civil servants in the PA, along with other social benefits, provides incentive and motivation to join, and reward for joining, the ranks of terrorism, especially in the context of a reality which involves living at a low socioeconomic standard and in protracted poverty.**

VII. PART SIX - THE RELEASE OF TERRORIST PRISONERS BY THE PA – THE “REVOLVING DOOR” POLICY

1. Based on the analysis and statistics discussed herein, it is clear that the PA treats terrorist operatives as freedom fighters, not terrorists. Terrorists who attack Israel or Israelis are not tried for a criminal offense in a PA court; rather, they are prosecuted pursuant to the Harm to Palestinian Interests Law. The PA treats terrorist prisoners differently than it treats criminal prisoners, and the PA releases terrorist prisoners at the earliest possible opportunity, even though the arrest of such prisoners and the demand to put them on trial results from pressure by Israel.⁷⁴ In the case referred to in the footnote, the prisoners were sentenced to 7 years in prison for the murder of two Israelis in Wadi Qelt.
2. In cases where arrests have been made by the Palestinians, it is evident that the purpose was to show Israel and the Americans that the Palestinians are engaged in true preventive activity. In actual fact, however, a considerable proportion of the arrested persons are quickly released after superficial handling of their cases and with the imposition of no real deterrence against future terrorist attacks.
3. The PA customarily releases security prisoners within the framework of what has been referred to as a “revolving door” policy. Within the framework of that policy, the security organizations of the PA have frequently arrested terrorist activists in order to misrepresent to Israel and the United States that the PA governmental organizations were engaged in

⁷⁴ See e.g. page 3 of a report by B'Tselem on the arrest and trial of Popular Front activists: <http://www1.idc.ac.il:549/2004/10883.pdf>

the actual frustration of terrorist operations. However, after a relatively brief period of imprisonment, a considerable proportion of the detainees in question were released following a superficial interrogation and with no real deterrence or frustration of their preparations to carry out terrorist attacks. It should be noted that the PA has come to a decision in principle that it will not extradite terrorist operatives to Israel, notwithstanding a prior agreement to do so, which was signed in 1994.

Muhammad Dahlan, the former Head of the Preventive Intelligence Service in Gaza, explained:

We have come to a decision, and it was reached at our highest level – naturally, with Arafat’s agreement – that we will not extradite members of our people to Israel, even if they are wanted Hamas activists. We are not willing for it to be written, in the history of our people, that we extradited Palestinians to Israel. If we extradite members of our people to Israel, we will harm the interests of the PA in the internal Palestinian sector, in the Arab world and throughout the world of Islam.⁷⁵

A number of examples follow:

- a. At the end of June 2007, the Israel Security Service Agency provided the Palestinians with the names of the members of a terrorist squad which was planning to launch an attack on then Prime Minister Ehud Olmert. The plan was to attack Olmert during a meeting at the end of June in Jericho between Olmert and PA Chairman, Abu Mazen. The meeting did not take place; however, as a result of the information on the intended attack, enhanced means of protection were adopted on August 6, 2007 for the Prime Minister and his convoy during their visit to Jericho. As a result of the information which was transferred by Israel, the security services of the PA arrested three terrorists. Two additional terrorists, members of the same squad, were arrested by the Israeli security forces. Two of the terrorists who were arrested by the PA were members of the Palestinian homeland security organization; an additional terrorist served in the General Intelligence Service. In addition, two of the terrorists apprehended by the PA were Fatah / Tanzim activists. The arrested terrorists admitted that they had planned to carry out a shooting attack on the Prime Minister’s convoy.

⁷⁵ Cited on page 12 of the B’Tselem report: <http://www1.idc.ac.il:549/2004/10883.pdf>; see also http://www.memri.org.il/cgi-webaxy/sal/sal.pl?lang=he&ID=107345_memri&act=show&dbid=articles&dataid=104

Nonetheless, all three of the arrested terrorists were released by the PA on September 26, upon the conclusion of their interrogation. The Palestinians provided contradictory explanations for the release: on one hand, Palestinian “security sources” claimed, in answer to a question by a correspondent of the Israeli daily *Haaretz*, that they had been released in error and that, when the error was discovered, they were arrested again; on the other hand, “diplomatic sources” in the PA claimed that the three had been released because they had had no real plan to carry out a terrorist attack.⁷⁶

- b. In early February 2006, the PA released 39 members of the Islamic Jihad, who had been incarcerated in PA prisons, and some of whom had been involved in the terrorist attack on the Stage Club in Tel Aviv. The PA, in an item by the Palestinian news agency *Ma'an*, stated that Islamic Jihad sources confirmed the information (Thursday, February 9, 2006). Some of the prisoners had been jailed as a result of their involvement in the attack on the Stage Club about a year before. In the terrorist attack which was carried out by that organization, five Israelis were killed. The organization stated that all of the persons in question were released as a result of negotiations which were conducted with officials in the Authority. Nataf Azzam, a senior member of the organization, stated, following their release, that “the PA released more than 24 prisoners today, following intensive negotiations between the two sides.” Azzam refused to specify the terms of their release, but stated that the Authority would close the interrogation files against the persons in question. At the same time, he emphasized that the organization had not made any concessions in return for their release. The Palestinian police commander in Jericho, Kamel al-Qaddoumi, told the news agency that the persons who were released also included Asal and Yasser Badran from a village near Tulkarm, Abd al-Rahman Zu'al, Fadi Hamdan, Muhammad al-Abashi, Khalid al-Kahil and Mustafa Abd al-Ghani from the village of Saida, north of Tulkarm. According to his statement, all of the released persons had agreed not to violate the law in the future.⁷⁷
- c. In April 2001, the PA released a group of 20 [Islamic] Jihad and Hamas terrorists, who had been involved in car bombings in 1996.⁷⁸
- d. Israel demanded the arrest of Jamal Hamamra, an officer in the Palestinian Preventive Intelligence Service and a member of the Fatah movement. He was

⁷⁶ Published in *Haaretz*, October 22, 2007. Cited in <http://www.terrorism-info.org.il/he/article/18559>

⁷⁷ <http://sc.tapuz.co.il/shirshurCommuna-2986-8846267.htm>

⁷⁸ *Yedioth Ahronoth*, April 29, 2001

arrested and released twice; the third time, he was arrested, held under comfortable conditions, and not interrogated.⁷⁹

- e. Rabia Rabia, an officer in the General Intelligence Service, was active in Hamamra's squad (see paragraph d above); he was arrested and released, although his interrogation had exposed his involvement in terrorism.⁸⁰
 - f. Ali Salhat, a Fatah activist from Bethlehem and a policeman in the Palestinian Police, was arrested by the PA and transferred to Jericho, but escaped from prison in Jericho and returned to Bethlehem.
4. Terrorists who escape from prison are a frequently occurring phenomena in the PA. Thus, for example, in April 2008, 12 prisoners, all of whom were members of the al Aqsa Martyrs' Brigades, escaped from prison in Nablus.⁸¹
 5. **In my expert opinion and on the basis of my familiarity with the Jenid prison in Nablus, which was constructed by Israel, and with its security measures, its structure, and the guarding and security precautions adopted therein, it would be extremely difficult for anyone to escape from the Nablus prison without help from the prison guards. I find it extremely likely that the prisoners mentioned in the prior paragraph "escaped" only after someone opened the door for them.**
 6. As noted above, between 1993 and 1999, as a gesture within the framework of the Oslo Accords and within the framework of various agreements, the State of Israel released thousands of terrorists from imprisonment. According to media publications reporting based on information obtained from security sources, approximately 50% of the released terrorists have returned to terrorist activity. According to the answer to a parliamentary query to the Deputy Minister of Defense on August 6, 2003 in the Knesset, it appears that no fewer than 854 terrorists have been imprisoned for a second time, after having returned to terrorist activity.
 7. These released terrorists constituted the hard core of the al Aqsa intifada, which claimed the lives of hundreds of Israelis.⁸² Among those released was Ahmad Jabara, also known

⁷⁹ Spokesperson of the Israel Defense Forces, information in the name of the correspondent, April 22, 2004

⁸⁰ Spokesperson of the Israel Defense Forces, information in the name of the correspondent, *ibid*.

⁸¹ <http://news.walla.co.il/?w=/13/1260640/@/@/talkbacks>

⁸² A list of the terrorists who were released and subsequently murdered Jews appears in http://www.google.co.il/url?sa=t&ret=j&q=&esrc=s&frm=1&source=web&cd=7&ved=0CFkQFjAG&url=http%3A%2F%2Fhe.manhigut.org%2Fdocuments%2Fdoc_download%2F39---

as “Abu Sukar”, who murdered 14 Israelis in 1975 in a terrorist attack in Zion Square. Immediately after his release, he exhorted terrorists to kidnap Israeli soldiers and civilians, so that they could be used as bargaining chips for the release of his fellow murderers who had not yet been released. Past experience teaches that releasing terrorists increases the capabilities and motivation of the terrorist organizations.

8. Terrorists who were released from prison in Israel and went back to murdering Jews carried out the painful, murderous terrorist attacks. Thus, for example, Abd al-Karim Ratab Yunis Awis, immediately after his release, resumed his terrorist activity. In 2000, he was actively involved in the perpetration of a large number of shooting attacks and the dispatch of suicide bombers. Among other incidents: on November 27, 2001 – a shooting attack in Afula and the murder of Michal Mor and Noam Gozovsky; on February 27, 2002, he dispatched a female suicide bomber to the Maccabim checkpoint, where three policemen were wounded; on March 21, 2002, he dispatched the suicide bomber Muhammad Hashaikh to King George Street, where three Israelis were murdered.
9. An additional example is that of Nasr Abu Hamed, who was detained on a number of occasions and spent a total of 13 years in prison in Israel. In 1990, he was convicted and sentenced to several terms of life imprisonment for the murder of five collaborators. Within the framework of the Oslo Accords, however, he was released and returned home again. A number of years after his release, in the course of the lynching in Ramallah in September 2000, Abu Hamed was recorded while severely abusing the bodies of Israel Defense Forces reserve troops, Col. Vadim Norzhets and Master Sgt. Yossi Avrahami.

A few months later, on December 21, 2000, Nasr murdered Eli (Eliko) Cohen in a shooting attack near Givat Zeev. On December 31, 2000, he murdered Rabbi Binyamin and Talia Kahane in a shooting attack near Ofra. On February 27, 2002, he commanded the murder of an Israeli, Gadi Rejwan, in the Atarot industrial zone near Jerusalem. On February 25, 2002, he initiated a terrorist attack in Neve Yaakov, in which policewoman Galit Arbiv was murdered and 10 civilians were wounded. On March 5, 2002, he was responsible for the car bombing at the Seafood Market Restaurant, in which three Israeli civilians – Eliyahu Dahan, Yossi Havi, and the policeman Salim Barakat – were murdered and 31 more were wounded.⁸³

<http://www.hakolhayehudi.co.il/?p=16869>

⁸³ <http://www.hakolhayehudi.co.il/?p=16869>

Throughout that entire period of time, he received a salary for the PA and was considered to be a civil servant, in addition to his membership in the Fatah leadership at the al-Amari refugee camp near Ramallah.

10. **In my expert opinion, the PA encourages terrorism by supporting active or imprisoned terrorists, and, during the al Aqsa Intifada, also through its involvement in terrorist operations and the funding thereof. The PA does not comply with its agreements with Israel; although it admittedly arrests terrorists at Israel's request, in many cases these arrests and trials are only for show, and, in fact, such prisoners are released from prison after a short period of detention. This is well described by Avi Dichter, former head of the Israel Security Agency, who stated (21 October 2007) with respect to the terrorist cell that attempted to harm then Prime Minister Ehud Olmert: "A revolving door exists where there is a prison, when there is no prison, there is also no place to build a revolving door."**⁸⁴

VIII. PART SEVEN - FATAH'S TERRORIST OPERATIONS BETWEEN 2000-2004 UNDER THE AUSPICES OF THE PA AND PLO

1. The establishment of Fatah – the Palestinian national liberation movement (*harakat al-tahrir al-watani al-filastini*) – in October 1959 in Kuwait by a group of educated persons, most of whom were university graduates and members of the free professions, headed by Yasser Arafat, considered the armed struggle as the means of liberation of Palestine. The uniqueness of Fatah lay in its activist armed struggle, the slogan of which was "Revolution to victory" (*thawra hata al-nasr*). Thus, the rifle and the *kaffiyeh* were transformed into armed struggle.

The Fatah movement is the largest and most dominant, and, I would also say, the most hegemonic, within the PLO. Fatah began to carry out terrorist operations on January 1, 1965. In 1968, after the battle of Karameh, Fatah took over the PLO. Yasser Arafat, the head of Fatah, was elected in 1969 to the post of Chairman of the PLO. Since then and until his death in 2004, he served as the Chairman of the PLO and the head of Fatah; in addition, starting in 1993, he headed the PA. The PA has used Fatah to enlist the masses in confrontations with Israel and to raise the military option – a trend which became severely prominent since the beginning of the al Aqsa Intifada.

This Fatah policy is expressed in statements by its leaders. Following are a number of examples:

⁸⁴ <http://news.walla.co.il/?w=9/1184025>

- a. Marwan Barghouti warned, in March 2000: “Anyone who believes that it is possible to settle the matters of the permanent arrangement by way of negotiations is living in illusions. In these issues, we must conduct a battle on the ground. I mean a confrontation. We need dozens of battles, such as the al Aqsa [(Western Wall)] Tunnel Battle.”⁸⁵
 - b. Abbas Zaki, a member of the Fatah Central Committee, claims that his organization always maintained the option of armed struggle, along with the diplomatic negotiations, lest the latter fail. “Resisting the occupation by means of armed struggle is the complete right of any people... Accordingly, at the beginning of the second intifada, when the diplomatic option was blocked, the leadership of the [Fatah] movement welcomed the armed attacks on soldiers and settlers.”⁸⁶
 - c. Sakhr Habash, one of the principal Fatah ideologues: “As long as the Palestinians’ rights have not yet been fully realized, including the right of return, we have the complete right to struggle on their behalf, including by force.”⁸⁷
 - d. At Fatah’s Sixth Convention, which was held in Bethlehem in August 2009, the movement officially declared that “Fatah adheres to the right of the Palestinian nation to oppose the occupation by all legitimate means, including its right to implement the armed struggle, so long as the occupation and the settlements continue.” Section 19 of the basic Articles of Association of Fatah, which were approved at the Convention, establishes that “popular armed uprising is the necessary and only way to liberate Palestine.”
2. Arafat headed the Fatah movement since its establishment in the late 1960s and until his death in 2004. With regard to Arafat’s behavior during the period to which my expert opinion refers, I must emphasize that, throughout all of the years of the diplomatic process with Israel, Arafat preserved and fostered the instrument of violence, and especially attempted to assimilate it not only into the organizations and groups of which he was the head, but also into the general public through the use of mantras, declarations and fervent speeches. In this context, his public calls, which were heard in Ramallah before a large audience, and the media (March 2002): “... struggle after struggle, jihad after jihad ... with

⁸⁵ From an interview published in Akhbar al-Khalil, Issue No. 4, March 2000.

⁸⁶ Amos Harel and Avi Issacharoff, *The Seventh War* [Hebrew] (Tel Aviv, Yedioth Ahronoth Press, 2004), pp. 48.

⁸⁷ Amos Harel and Avi Issacharoff, *The Seventh War* [Hebrew] (Tel Aviv, Yedioth Ahronoth Press, 2004), page 49.

blood and spirit we will redeem you Palestine ... to Jerusalem go millions of martyrs ... " Arafat also made use of terrorism against Israel, in varying degrees of intensity. In fact, he was the one who controlled "the height of the flames." When it was in his interest to exert pressure on Israel and/or when terrorism served his objectives, he turned the flames up. He used terrorism as a tool for the achievement of the Palestinian national objective. Throughout the years of his activity, Arafat systematically combined diplomatic negotiations and violence, whereby the dosage of each varied according to the circumstances.

3. The Fatah field leadership in the West Bank was headed by the Supreme Committee in Judea and Samaria, which in turn was headed by Marwan Barghouti; in the Gaza Strip, the Committee was headed by Ahmad Hiles.
4. The popular and semi-military power of Fatah was based on the young Fatah members, who operated and still operate within the framework of the Shabiba youth organization (see above, where Shabiba is discussed in more detail), in which Fatah people are members until the age of 35. Shabiba is considered to be the basis and foundation of the movement, and is the entity that directs Tanzim, the spinal column, in enlisting the masses and organizing clashes. Its activists participate in the perpetration of terrorist attacks, within the framework of Fatah's military wing, the al Aqsa Martyrs' Brigades. The "Operations Officer" of the al Aqsa Martyrs' Brigades was Mahmoud Damara, the commanding officer of the presidential security organization, Force 17. It is noted that Mohamed Damara, among the senior commanders of the Palestinian security services, was sentenced by Israel for his terrorist activities to a period of 15 years in prison. Damara was released in the Shalit deal, and immediately thereafter, he was appointed by Abu Mazen, the Chairman of the PLO, to the position of Advisor to the President on governorate affairs.
5. Between 2000 and 2007, the Fatah organization carried out 31 suicide bombings against Israeli targets within Israel and in the West Bank and Gaza Strip. The majority of these suicide bombings – 25 attacks – were perpetrated by the end of 2004. As a result of the suicide bombings which were carried out by Fatah, 123 people were killed and hundreds wounded.⁸⁸ (A report by the Israel Security Agency states that, during the period between

⁸⁸ A list of the terrorist attacks which were carried out by Fatah appears in the "Suicide Bombers" pamphlet of the Israel Security Agency and can also be found in http://he.wikipedia.org/wiki/%D7%A4%D7%99%D7%92%D7%95%D7%A2%D7%99_%D7%94%D7%AA%D7%90%D7%91%D7%93%D7%95%D7%AA_%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C

See also "The Involvement of Palestinian Women in Terrorism", a pamphlet issued on behalf of the Israel Security Agency in September 2007, which may also be seen at

2000 and 2005, more than 24,000 terrorist attacks against citizens and residents of Israel were recorded, and more than 1,000 residents and citizens of Israel lost their lives in those terrorist attacks. Of those terrorist attacks, 142 were suicide bombings, which were carried out by 159 suicide bombers against Israeli targets.)⁸⁹

The court ruling in the trial of Marwan Barghouti stated that the Fatah organization carried out more than 1,200 terrorist attacks, in which 176 Israelis were killed, between the year 2000 and August 2002. As a result of those attacks, as well as of their car bombings, Fatah's al Aqsa Martyrs' Brigades were entered into the American list of terrorist organizations on March 27, 2002.⁹⁰

6. **In my expert opinion, the Fatah organization, which appeared to have abandoned the path of terror, has returned to the "armed struggle" (*i.e.* terrorism) since the commencement of the intifada and, together with Hamas, became the leader of the armed struggle against Israel. Fatah has established, substantiated and expanded its military wings, in a move which was intended to unite all of the Fatah members in order to improve the patterns of the armed struggle against Israel. In the context of the armed struggle, Fatah members were involved – principally Tanzim activists, but also the al Aqsa Martyrs' Brigades and the Brigades of the Return. Arafat himself directed Fatah. Fatah played a definitive role in leading the armed struggle against Israel, uniting with the other organizations, headed by Hamas, into a single front.**
7. With few exceptions, terrorist organizations running operations during the period of the intifada took explicit credit and responsibility for their operations. The taking of responsibility was announced in a number of ways: by publication on a poster; by announcement over the public address system in the mosques; in death notices in the press; in statements by the leaders of the organization; press conferences and announcements through the media; through the use of symbolic characteristics in funerals and funeral arrangements, which attested to the source [of the terrorist activity]; erection of mourners tents; and even on gravestones in cemeteries, on which the name of the responsible organization was carved. The taking of responsibility was and still is part of the PR system of each organization. The Palestinian "street," which supports and sympathizes with the terrorist operations against Israel, gives more support to the

<http://www.shabak.gov.il/SiteCollectionImages/%D7%A1%D7%A7%D7%99%D7%A8%D7%95%D7%AA%20%D7%95%D7%A4%D7%A8%D7%A1%D7%95%D7%9E%D7%99%D7%9D/nashim.pdf>

See also http://www.keren-inbar.org.il/INB/cache/pic_24926.pdf

⁸⁹ See the Israel Security Agency report on suicide bombers, issued in 2005.

⁹⁰ See the ruling in Criminal Terrorism File 1158/02 (Tel Aviv District Court): http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver_bvtn.htm

organizations which carry out effective terrorist operations. The terrorist organizations use terrorist attacks as a tool to amplify their power, a tool for the creation of influence and the creation of power in the Palestinian street.

8. The official announcements by the organizations, posters announcing the taking of responsibility, messages over the Internet, or messages to the media agencies were published in the Palestinian media, the Israeli media, and the international media. This leads to the obvious conclusion that the members of the Fatah leadership, including the head of the Fatah, Yasser Arafat, certainly knew that their organization carried out the terrorist attacks that their organization took responsibility for. In many cases, members of the PA and PLO leadership sent “congratulatory telegrams” to the family members or even spoke with them by telephone, in order to thank them for having educated a member of their family to take this kind of action.
9. In many cases, the terrorist activists who were behind the terrorist attacks, or who actually carried them out, were members of Palestinian governmental security organizations, working in conjunction with a particular terrorist organization.
10. **In my expert opinion and on the basis of my familiarity with the structure of Fatah and with the control of its members by Arafat and the Fatah leadership, and especially with the personal loyalty of its field operatives to Arafat, the conclusion which arises is that, had Arafat wanted to know who specifically sent the terrorist out, he could have obtained that information by means of a single telephone call. In my conversations with Fatah members and those close to the PA leadership, I was told that Arafat would know which clan or family to contact in order to find out about events in the field, to obtain information and pass on messages. In addition, he had security organizations at his disposal – Preventive Intelligence and General Intelligence, which had agents operating in every village and every neighborhood and could provide available and reliable information, within a short period of time, on the terrorist attack, who was behind it, who carried it out and the organizational affiliation.**
11. Palestinian policemen and active members of the Palestinian security organizations perpetrated terrorist attacks on behalf of Fatah and its various wings. Following are a number of examples:⁹¹
 - a. The “spearhead” from within the Palestinian “security organizations” was Jihad al-Amarin, one of the senior Fatah activists, who was very close to Arafat (he

⁹¹ <http://www.news1.co.il/Archive/001-D-51620-00.html?tag=09-12-08>

was smuggled into Gaza in Arafat's own car on the date of Arafat's first arrival in the Gaza Strip following the interim agreement). Al-Amarin, who headed the Operations Department of the "Palestinian Police" in the Gaza Strip, translated Arafat's "command spirit" into terrorist operations against Israel even before the outbreak of the intifada (March, April and June 2000); following the start of the intifada, he founded the al Aqsa Martyrs' Brigades in the Gaza Strip.⁹²

- b. Members of the Palestinian Police operated on behalf of terrorist activity within the Tanzim infrastructure in Nablus. The most prominent of them were Nadr Mahmoud Abd al-Hafez Abu Leil, a 26 year old resident of the Balata refugee camp in Nablus, and Muhammad Satita, also of Balata.
- c. On the first day of the intifada, Capt. Yosef Tabaja of the Israel Border Police was shot and killed by a Palestinian policeman, in the course of a joint patrol near Qalqilya. The policeman began shouting "*Allahu akbar*" ["Allah is great"] and opened fire at him. Palestinian policemen were on the scene claimed at the time that the man was "crazy".
- d. Muhammad Khshaikeh, a Palestinian policeman from the village of Taluza in the Nablus area, perpetrated the suicide bombing on King George Street in Jerusalem in March 2002, in which four Israelis were murdered.
- e. The shooting attack on a group of Israel Defense Forces soldiers at the Tunnel Checkpoint south of Jerusalem, in November 2003, was perpetrated by Jabr Akhras, a Palestinian policeman. Two IDF soldiers were killed in the attack.
- f. Ali Ja'ara, a Palestinian policeman, a resident of the al-Aida refugee camp near Bethlehem, carried out the suicide bombing on the No. 19 bus line in Jerusalem on January 29, 2004, in which 11 civilians were murdered and more than 60 were wounded.

92

<http://www.jcpa.org.il/Templates/showpage.asp?FID=900&DBID=1&LNGID=2&TMID=99&IID=27536>

- h. Samir Amir, a Palestinian military intelligence operative, was arrested on September 22, 2003, after having carried out a terrorist attack on behalf of Fatah near Bethlehem.⁹³
- i. Ali Yadak, an operative in the General Intelligence Service, was arrested in February 2004 and stated, in his interrogation, that he had transported a terrorist who intended to carry out a suicide bombing, along with a Kalashnikov assault rifle, magazines and an explosive charge, from Nablus to the village of Kusin. Arrested along with him was Samr Abd Rabbo, an officer in the General Intelligence Service, who was involved in setting the attack in motion. Both of them, in their interrogation, admitted to the planning of additional terrorist attacks, such as the throwing of grenades at a group of Israel Defense Forces troops in the area of the village of Kusin.⁹⁴
- j. Kamal Abu Waar, a 30 year old resident of the village of Qabatiya in Samaria, was an operative in Force 17 – the Palestinian presidential guard – and a senior military operative in Tanzim. He was arrested in January 2003 by Israel and admitted, in his interrogation, to having been involved in the perpetration of severe terrorist attacks, in which four Israelis were killed and nine wounded, and in the planning of car bombings in various forms against Israeli targets. Upon the outbreak of the confrontation, Abu Waar participated in exchanges of fire against Israel Defense Forces troops at Joseph’s Tomb. Abu Waar noted that he had carried out the shooting with a Kalashnikov rifle, which had been his service weapon in Arafat’s presidential security organization.⁹⁵ The dual “positions” (i.e., engaging in terrorism while serving in the PA security services) is proof of the cooperation between the PA and Fatah, proof of identity of interests between the PA and Fatah in all that is related to terrorism and proof of the use of weapons which were in the hands of the security services.
- l. Mu’in Atallah – a Preventive Intelligence Service operative from Jibaliya – assisted Fatah and Hamas in carrying out the suicide bombing in Ashdod Port on March 14, 2004, in which 10 Israeli civilians were killed and 12 more wounded. The two terrorists who perpetrated the attack left the Gaza Strip via the Karni border crossing point, where Atallah worked in a position which gave him access to every location within the crossing point. Atallah stated, in his interrogation,

⁹³ Spokesperson of the Israel Defense Forces, information in the name of the correspondent, February 22, 2004

⁹⁴ Report by the Israel Security Agency, page 31.

⁹⁵ Report by the Israel Security Agency, page 31.

that he had helped the Hamas organization to plan the purchase of trucks and the establishment of a company to transport cargo containers from the Gaza Strip into Israel, in order to use it as a cover for the smuggling of terrorist operatives. Atallah was arrested by the Israel Security Service Agency a few days before he could manage to carry out an additional suicide bombing, which was supposed to have been implemented by the same method.⁹⁶

- m. Majed Hajaj – a Preventive Intelligence Service operative in Gaza – transported, in his truck, the two booby-trapped cars which participated in a combined sacrifice and suicide attack, which was perpetrated on March 6, 2004 at the Erez border crossing point, in which six Israeli civilians were killed and nine more wounded. Hajaj was arrested by the Palestinian organizations after the attack, but was released a short time thereafter.⁹⁷

12. **In my expert opinion, the involvement of the Palestinian intelligence services exemplifies the seriousness of the problem: indeed, it is those that are trusted and trained to prevent and expose plans to carry out attacks, are the ones who instigate, join in and carry out terror attacks themselves.**
15. **Reports by the Israel Security Agency and statements by senior PA officials indicate that the leadership of the PA knew about the intent to perpetrate the terrorist attacks by Fatah personnel.** A summary report by the Israel Security Agency for the years 2000-2004, entitled “Four Years of Confrontation”, states as follows:

The interrogation of senior Fatah officials – Marwan Barghouti, Nasr Awis, Nasr Abu Hamid and Ahmad Barghouti – by the Israel Security Agency indicated that Yasir Arafat approved the financing of funds for tens of operatives, in the knowledge that they would be used for terrorist attacks against Israeli civilians. It further indicated that the armories of the Authority were used for the distribution of explosive charges to operatives.”⁹⁸

16. The following is a collection of statements by senior Palestinian officials discussing Yasser Arafat, former President of the PA and long-time head of Fatah.

⁹⁶ Report by the Israel Security Agency, page 31.

⁹⁷ Report by the Israel Security Agency, page 31.

⁹⁸ Summary report by the Israel Security Agency, “Four Years of Confrontation”

- a. **Ashraf Ajarmi**, a former Palestinian minister and one of the heads of the Fatah organization, freely admits the role which was played by Fatah in the terrorist attacks during the intifada, including that of Arafat himself. He made a statement to that effect on June 29, 2009, during a broadcast on official Palestinian television:

The master of the [armed] resistance is undoubtedly and indisputably the *shahid* martyr, Yasir Arafat. Even this intifada, although Hamas attempted – by means of injustice, oppression, lies and forgery – to fly its banner, the banner belongs to Yasir Arafat alone... These organizations (the security organizations of the PA) paid a heavy price in the second intifada, whether as *shahid* martyrs or as prisoners. The greatest number of prisoners comes from the sector of the security organizations. They are among those who bore arms and carried out the greatest and most important operations (terrorist attacks) against the Israeli occupation and especially against soldiers. The famous operations [(*i.e.* terrorist attacks)] in the West Bank included En Arik [(six people were killed in that attack)], Wadi al-Kharamiya [(10 persons were killed in the attack)], Surda [(one person was killed in the attack)] and others. They were carried out by the heroes of the Palestinian security forces, who defended the homeland and the national interest, while Hamas watched [from the sidelines] for long months before it started to carry out terrorist attacks.”⁹⁹

- b. **Muhammad Dahlan**, who was the Head of the Preventive Intelligence Service, a minister in the Palestinian government, and one of the closest associates of Arafat during the period to which this case refers. He made the following statement on the official Palestinian television channel, in answer to a question by the program MC:

MC: “In other words, the [violent] resistance and the struggle are continuing?”

Muhammad Dahlan: “That is our right, a legal right. The international community has approved this for us. But it is the responsibility of the leadership to use them when it wants to, in

⁹⁹ A copy of the film may be watched at http://www.palwatch.org.il/main.aspx?fi=458&fld_id=458&doc_id=6002

the appropriate place and at the appropriate time. This cannot be left in the hands of young people who take the law into their own hands. This is the difference between the use of that right [by the leadership] and its use by just anyone... I lived with Chairman Arafat for years... Arafat would condemn [a terrorist operation] by day, and would do estimable things by night. I don't want to expand on this point."

- c. **Dr. Mahmoud al-Zahr**, a member of the Hamas Political Chamber and among the movement's leaders, referred to Arafat in an interview on the official Hamas Website:

[Question]: "You said, in previous statements, that the President, Abu Amar [Yasser Arafat], had instructed Hamas to carry out terrorist attacks while he was under siege in Ramallah. Can we expect, for example, that the present Chairman of the PA, Abu Mazen, will reach such a stage in his conduct with the [Hamas] movement?"¹⁰⁰

Answer by Mahmoud al-Zahr: "Abu Amar did not instruct the Fatah [organization] to negotiate with Hamas for the purpose of carrying out terrorist attacks on the basis of a concept which supports the resistance. Rather, he did so on the basis of his wish to use terrorist attacks for tactical purposes. I remember that I participated in a popular conference with [senior Fatah members] Hani al-Hassan, Abu Ali Shahin and Abdallah al-Hawrani, [which took place] in al-Sheikh Awad Hall at al-Azhar [University in Gaza]. At that time, the people who were present [at the conference] brought up the need for Hamas to carry out terrorist attacks against the Israeli occupation, and this matter was no secret. Abu Amar wanted this to be a tactical means of exerting pressure on Israel through Hamas."¹⁰¹

- d. **Mamduh Nawfal**, a senior member of the PLO and PA leadership, who was Arafat's security advisor, described Arafat's involvement in 2001, in the monthly publication *Al-Darasat al-Filastiniyya*, No. 47, Summer 2001:

¹⁰⁰ <http://www.palinfo.com/site/pic/newsdetails.aspx?itemid=67>

¹⁰¹

Cited

in

<http://jcpa.org.il/Templates/showpage.asp?FID=711&DBID=1&LNGID=2&TMID=99&IID=24665>

It [(i.e. the intifada)] is not a mass movement which is separate from the Authority [and] broke out by itself. Quite the opposite is true. It began on the basis of the decision from above, at the top level of the Authority, before it turned into popular activity. This happened immediately after [Israeli Prime Minister]Sharon's visit to al Aqsa. At the time, the political and security entities of the PA met and came to a decision to defend al Aqsa. Arafat considered the visit to al Aqsa as the flashpoint of the existing situation, which was sufficient, not only to light the fire on Palestinian soil, but also to affect the situation beyond the borders of Palestine. Decisions were made which had to do with practical preparations, meetings of the participating forces in the Authority were held, and it was decided to move them toward al Aqsa on Friday. In addition, the security arrangements for the mosque were enhanced by bringing in additional guards and issuing instructions to the security organizations to enter al Aqsa and to defend it.¹⁰²

- e. **Suha Arafat:** in an interview with Yasser Arafat's widow, Suha Arafat, on Palestinian television on November 12, 2011, she confirmed the involvement of her late husband, the Chairman of the PLO, the Chairman of the PA and the Head of Fatah:

On the personal level, I miss him very much. Zahwa [(Suha's and Arafat's daughter)] also misses him; it's hard to imagine how much. She never knew him. She knows that Arafat sent us far away before the invasion of Ramallah. He said: 'You both have to leave Palestine, because I want to start the intifada, and I don't want to defend myself behind my wife and my little girl.' Everyone said: 'Suha deserted him', but I did not desert him. He commanded us to leave, because he had already decided to implement the intifada after the Oslo Accords and after the failure of Camp David.'¹⁰³

¹⁰² Cited in <http://www.jcpa.org.il/Templates/showpage.asp?FID=821&DBID=1&LNGID=2&TMID=99&IID=26263>

¹⁰³ The interview is cited in <http://www.jcpa.org.il/Templates/showpage.asp?FID=821&DBID=1&LNGID=2&TMID=99&IID=26263>; see also interview with Suha Arafat from December 16, 2012, Bates P1:884.

- f. **Marwan Barghouti**, in an interview given by Marwan Barghouti, Secretary-General of Fatah in the West Bank and Head of Tanzim, approximately **6 months before the start of the Intifada**, with the newspaper *Akhbar al-Khalil* (Hebron, March 8, 2000), which is identified with the Hamas movement:

We gave negotiations a chance, and negotiations are battle, and anyone who believes that it is possible to settle the issues of the permanent arrangement, such as refugees, Jerusalem, the settlements and the borders by way of negotiations is living in illusions. These are issues with respect to which it is necessary to conduct a battle on the ground, in addition to the battle of the negotiations... By [the word] ‘battle’, I mean a confrontation. We need dozens of battles, such as the Tunnel Battle [the violent events following the opening of the Western Wall Tunnel in September 1996], where we went out to do battle and we fought.

We are a fighting movement, and we came to [the path of] peace in total bravery and heroism, and we want this peace; we are conducting our battle for the sake of peace. We want this peace to bring us to the minimum line – that is, an independent Palestinian state with Jerusalem as its capital, the refugees’ right of return and our right to self-determination, and if that does not come to pass, then all options are open.” [Question by the interviewer:] “Are you talking about a timetable? Is it one year, two years?” [Answer by Barghouti:] “I believe it will be in the course of one year.”¹⁰⁴

- g. **Marwan Barghouti**: in his interrogation, Barghouti admitted: “Within the framework of my position as Secretary of Fatah, I am responsible for everything that is done, such as the supply of funds to the squads, the purchase of weapons and the performance of terrorist attacks. There are many squads in the field, some of which are organized under my command, by means of a number of people, such as Ahmad Barghouti, Nasr Awis...”. Barghouti stated that, when he made a strategic decision to carry out terrorist attacks against Israel in order to resist the occupation, he set up a squad and indirectly provided it with funds and materiel for the purpose of carrying out the attacks. In his examination, Barghouti spoke of a number of occasions on which he had reported to Yasser

104

<http://www.jcpa.org.il/Templates/showpage.asp?FID=821&DBID=1&LNGID=2&TMID=99&IID=26263>

Arafat on terrorist attacks which had been performed by squads with which he was in contact (see Section 65 of the ruling).¹⁰⁵

17. There is evidence that the PA directly funded the Tanzim terrorist activity. For example:

- a. Money was confiscated from the account of Naef Abu Sharah, one of the heads of the Tanzim infrastructure in Nablus, who was behind a large number of suicide bombings, terrorist attacks involving the placement of explosive charges, and shooting attacks. Abu Sharah transferred money to various Tanzim operatives in Nablus.¹⁰⁶

It appears that this money did not come from Abu Sharah's personal accounts, but was rather money given to him by the PA for this purpose.

- b. Money was confiscated from the account of Muntazar Abu Ghalyun, one of the heads of Fatah's al Aqsa Martyrs' Brigades in Jenin, who was responsible for planning and carrying out dozens of shooting attacks in the Jenin area. Abu Ghalyun was involved in financing the military activity of the al Aqsa Martyrs' Brigades in Jenin and received money from entities in other countries for that purpose.¹⁰⁷

18. As discussed, the PA and Fatah – including the latter's various terrorist wings, such as Tanzim, Shabiba, the al Aqsa Martyrs' Brigades, the Brigades of the Return, and the Dalal Mughrabi Brigades – are one and the same. Fatah personnel and the terrorists in the various Fatah wings are completely identical, and all of them are under the same leadership: the Chairman of the PA, who is also the Head of Fatah. During the period when Yasser Arafat served as Chairman of the PA, there was a complete overlap between the Office of the President of the PA and Fatah.

19. I have mentioned that Arafat wore three hats: he served as the Chairman of the PLO, the Chairman of the PA and the Head of Fatah. By virtue of his position as the Chairman of the PA, he was the commander in chief of the Palestinian security forces; by virtue of his position as the Head of Fatah, he was the commander in chief of Tanzim, Shabiba, the al Aqsa Martyrs' Brigades, and all of the other entities which operated on behalf of Fatah. Starting in September 2000, after the outbreak of the al Aqsa intifada, all of those entities, under their various names, became vehicles for his Policy. He used his influence to

¹⁰⁵ See the ruling in Criminal Terrorism File 1158/02 (Tel Aviv District Court): http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver_bvtn.htm

¹⁰⁶ Summary report by the Israel Security Agency, "Four Years of Confrontation", page 23.

¹⁰⁷ Report by the Israel Security Agency, page 23.

direct the policies of the various group and to sway public opinion in particular directions. Marwan Barghouti, in his confession, stated that there was no need for commands from Arafat; rather, it was only necessary to understand the commander's spirit.¹⁰⁸ Arafat, as the Chairman of the PA and the commander of Fatah, approved salaries for hundreds and perhaps thousands of Fatah operatives, who were ostensibly serving within the framework of the security organizations, but were actually operatives in Tanzim, the al Aqsa Martyrs' Brigades, or other names.¹⁰⁹

IX. PART EIGHT - THE PALESTINIAN AUTHORITY'S DIRECT ASSISTANCE OF TERRORISM

1. The PA provided direct assistance to wanted persons. That assistance took the form of recruiting them into the Palestinian security organizations, in order to give them "immunity" and to make it permissible for them to bear arms.¹¹⁰
2. The PA "confiscates" fake explosives for publicity and to placate Israel. From time to time, the Palestinians have reported the finding of explosives and explosive charges, including an explosive belt. Notwithstanding the demand by Israel to examine the charges, they were handled and detonated by the Palestinians. Many of the materiel seizure operations were photographed by the Palestinians for the purposes of publicity. On August 14, 2003, the Palestinians reported that two explosive belts were found. According to a statement by the Israel Defense Forces, those were dummy belts.¹¹¹
3. **In my expert opinion, the PA detonates these dummy explosives while hiding or turning a blind eye to the real explosives that it is aware of so that those explosives can be used in terrorist attacks against Israel and Israeli citizens.**
4. A report by the Israel Defense Forces states that the Palestinians did not arrest dangerous terrorist operatives and that weapons were not collected from terrorist operatives. The report indicates that terrorist operatives and prominent activists were handled with "silk gloves".¹¹²

¹⁰⁸ See the ruling in Criminal Terrorism File 1158/02 (Tel Aviv District Court).

¹⁰⁹ Gur Avraham, *The PA: Terrorist Organizations in the Guise of Security Organizations* [Hebrew], *op. cit.*

¹¹⁰ Spokesperson for the Israel Defense Forces, February 22, 2004

¹¹¹ Spokesperson for the Israel Defense Forces, February 22, 2004

¹¹² Spokesperson for the Israel Defense Forces, February 22, 2004

5. Terrorist activists have often been caught hiding behind medical and other government-assisted protections from the hostilities, presumably with the assistance of the PA. Here are some examples:
 - a. In March 2002, a Tanzim operative, Islam Jibril, was arrested at an Israel Defense Forces checkpoint near Ramallah, while driving a Palestinian Red Cross ambulance in which he had concealed an explosive belt and explosive charges for the purpose of transferring them to Tanzim operatives in Ramallah. The explosive belt was found under a stretcher on which a sick child was lying; the child's relatives were with him in the ambulance.¹¹³
 - b. In August 2004, Nabil Maher Khalil Masri was arrested by the Israel Security Agency. Within the framework of his activity in the Fatah's al Aqsa Martyrs' Brigades, he was about to leave for Egypt. He intended to use certificates attesting to illness, which he had fraudulently managed to obtain from doctors, for the purposes of his departure, and to go from there to Israel in order to perpetrate terrorist attacks – and, in that way, to exploit the platform of patients who go to Egypt for medical treatment.¹¹⁴
 - c. In August 2004, the head of Tanzim in Bethlehem, Adnan Abiyat, and an additional Tanzim operative by the name of Rateb Nabhan, were arrested in the French Hospital in Bethlehem. They had both been hiding there for a long time, exploiting the fact that the hospital had a special status, and thereby endangering hospitalized patients, with the collaboration of hospital employees.¹¹⁵
 - d. In August 2004, Murad Alan, a 20 year old bachelor from the Aida refugee camp in the Bethlehem area, the holder of a blue identity card of the type issued to residents of East Jerusalem, was arrested, after having been recruited by Tanzim operatives from Bethlehem to carry out a suicide bombing in a café in Jerusalem, where he was employed as a cook.¹¹⁶
6. Similarly, there have been cases in which terrorist attacks were planned in a manner that demonstrates government involvement. For example, in March 2004, Rami Fatah Hafez Abdallah, a man about 24 years of age, a Tanzim operative and a resident of Amatin in the Qalqilya area, was arrested after having been involved in the planning of a shooting and

¹¹³ Summary report by the Israel Security Agency, "Four Years of Confrontation", page 32.

¹¹⁴ Report by the Israel Security Agency, page 33.

¹¹⁵ Report by the Israel Security Agency, page 33.

¹¹⁶ Report by the Israel Security Agency, page 33.

hand grenade attack on a bus in Emanuel, Israel. Rami's interrogation revealed that the infrastructure had planned additional terrorist attacks, including the planning of a suicide bombing in Israel, using an explosive charge which was to be contaminated with blood from an AIDS patient, for the purpose of increasing the harm done.¹¹⁷

7. **In my expert opinion, the events and statements of senior Palestinian officials described above, indicate that this is not an isolated one-time event, but systematic way in which the Tanzim activists operated under the protection and direction of the various PA security services, whether in the field or at the senior level. Based on my familiarity with the PA, the internal "codes", the society, the public opinion, the public atmosphere and the experience of that period, I argue that above all of the facts, the events and the processes, the "spirit of the commander," i.e., the spirit of Yasser Arafat, which was known to all PA officials, Fatah activists and all those peering from the sidelines at unfolding events, also played a role.**
8. Findings by investigators from the Fraud Investigation Squad of the European Union have confirmed that the financial assistance provided by the European Union has been exploited for terrorism and corruption. The PA funded the positions of hundreds of Fatah terrorist operatives out of its current budget – \$45 million per month from the Arab states and \$9 million per month from the European Union.
9. According to a March 2005 European Union Press Release concerning the findings of its Anti-Fraud division (OLAF) from its investigation in to the PA's use of EU funds, OLAF found that while there was no "conclusive evidence" that the PA had used European funds to finance terrorism, the possibility of misuse of funds could not be excluded due to insufficient documentation, particularly with respect to a bank account located in Tunis. It seems that OLAF remained suspicious that EU funds had been used for terrorist purposes. Indeed, OLAF recommended imposing better safeguards and reporting requirements to ensure that future EU funds would not be put to such use and raised questions about the PA's policy of paying salaries to convicted prisoners and martyr payments to the families of terrorists..¹¹⁸
10. A report by the Prime Minister's Office in Jerusalem, dated May 5, 2002, states that Arafat gave the terrorists "ideological encouragement" and approved financial aid for them, and that he headed the al Aqsa Martyrs' Brigades, which is a Fatah organization. The report claimed that the military arm of Fatah, which was headed by Arafat, was

¹¹⁷ Report by the Israel Security Agency, page 33.

¹¹⁸ See March 17, 2005, EU Press Release, available at http://ec.europa.eu/anti_fraud/media-corner/press-releases/press-releases/2005/20050317_01_en.htm, copy attached.

placed under the command and responsibility of Marwan Barghouti, who did not hesitate to use women and children as operatives for the perpetration of terrorist attacks, in which hundreds of Israelis were murdered. The contact persons between Arafat and the terrorist entities, according to the report, were: Tawfiq Tirawi, the head of the General Intelligence Service, and Fuad Shubaki, a financier, who operated, on an ongoing basis, a logistical array of assistance and financial support of terrorism.¹¹⁹

11. Marwan Barghouti's confessions, as published in the Israeli media, indicate that the Chairman of the PA, Yasser Arafat, provided a kind of general directive for terrorist attacks. The confessions by Barghouti, who had been the Secretary-General of Fatah in the West Bank and the head of the Tanzim, indicate that he maintained a close relationship with a band of terrorists, who were members of the military arm of the organization throughout the West Bank. Barghouti's office in Ramallah received hundreds of requests for assistance from Fatah members, which he used to forward to Arafat's office in the Muqata, along with recommendations. In some cases, the money was used to finance terrorist activity, to purchase weapons and to pay operatives. The squad leaders updated Barghouti from time to time with respect to their activity. In certain cases, he set the response policy; in others, he was updated as to the details of the terrorist attack or the wording of the announcement in which they took responsibility for the attacks. Barghouti confirmed that he was in contact with various squads of the military arm in the West Bank, and admitted that operatives in the squads asked him for financial assistance, which they received from him. Marwan Barghouti stated in his interrogation that he transferred money from Arafat to Raed al-Karamé, and that he delivered money to Nasr Awis.¹²⁰ In a different context, in an article published in the Haaretz newspaper, in which materials from his investigation were exposed, Barghouti states that he coordinated the cessation of attacks with Khaled Meshaal and Ramadan Salah who were in Damascus. This was done at Arafat's request due to the visit of the envoy, Anthony Zinni in late December 2001. Thus, it can be presumed that there was a channel for this type of coordination between the heads of the Palestinian organizations (the PA/Fatah-Hamas-Islamic Jihad). Indeed, it is not impossible, that the other type of coordination, i.e., carrying out the armed struggle and the policy of planning and carrying out terrorist attacks.
12. Marwan Barghouti, in his interrogation by the Israel Security Agency, admitted that the pursuit of the activity during the uprising could not have continued without the funding from Arafat, because all of the funds which reached the operatives came from a single source, which was Yasser Arafat. Barghouti claimed that Arafat determined his conduct

¹¹⁹ <http://www.ynet.co.il/articles/0,7340,L-1873431,00.html>

¹²⁰ Amos Harel and Avi Issacharoff, "The Secrets from Marwan Barghouti's Interrogation Chamber Are Exposed"[Hebrew], *Haaretz*, April 24, 2012.

according to the events and the way in which they served the Palestinian interest, whereby each of the factions in the armed struggle understood the matter according to Arafat's response to the performance of the activity.¹²¹

13. As explained further below, Tanzim, like Shabiba and the al Aqsa Martyrs' Brigades, is an integral part of the Fatah organization. The entities are directly subordinate to the PA and the man who headed them, Yasser Arafat; the budgeting of these entities comes from the treasury of the PA, and the funds were transferred with Arafat's approval; the Head of the Tanzim, Marwan Barghouti, used to meet at least once a month with Arafat in order to discuss Tanzim-related matters with him and to receive instructions for action.
14. The PA's support of terrorist organization goes beyond financial support. As explained in the following paragraphs, the PA provided military training to the personnel of terrorist organizations.
15. The Oslo Accords approved the performance of training programs for the Palestinian security organizations, which would train their operatives as members of the police force. However, starting in 1998, the organizations began to conduct semi-military training programs in guerrilla warfare for their personnel. Officers were sent for training to Egypt, Yemen, Algeria and Pakistan. Squads were trained to take over Israel Defense Forces outposts and settlements. This know-how was transferred to Tanzim personnel, among whom were officers and soldiers in the various security organizations. In other words, the training which they underwent – whether in the territories, in Jordan or in other places – served and qualified them for the perpetration of terrorist attacks against Israel. In this way, Arafat could have the best of all possible worlds: he could provide funding and training for his militia forces, while also claiming to the world, and especially to the United States and Europe, that these were popular organizations outside the framework of the PA. Thus, for example, in July 1997, a squad of Palestinian policemen was captured on its way to carry out a murderous terrorist attack against the settlement of Har Bracha near Nablus. Arafat denied that the terrorists were policemen until Israel gave him all of the details.¹²² The commander of the Palestinian Police also denied any involvement.¹²³

¹²¹ Amos Harel and Avi Issacharoff, "The Secrets from Marwan Barghouti's Interrogation Room Are Exposed" [Hebrew], *Haaretz*, April 24, 2012.

¹²² See *Haaretz*, May 23, 2001, available at <http://www.haaretz.co.il/misc/1.703315#.UbiZ1INlpAI.gmail>.

¹²³ See Ronny Shaked, "I Gave an Order to Perpetrate a Terrorist Attack? Nonsense" [Hebrew], *Yedioth Ahronoth*, July 30, 1997.

16. The West Bank cities under Palestinian control (all of Area A) have become cities of refuge for terrorists since the establishment of the PA. This is especially true of Jericho, where the PA has provided them with housing and has recruited wanted persons into its ranks, since training bases, military camps and a large prison which served the PA security services were located in the city. The wanted persons were given military training and had weapons in their possession.
17. Lt. Gen. Amnon Shahak, who was Chief of Staff of the Israel Defense Forces at the time, stated in a Cabinet meeting that the territories of Gaza and Jericho had become cities of refuge.¹²⁴ Shaul Mofaz, who was O/C Southern Command at the time, said: “In the territories of the autonomy, there are more than dozens of wanted persons, and possibly hundred... It is quite probable that they recruit new people every day.”¹²⁵
18. It must be understood that terrorists do not need anything more than a rifle, a magazine, and bullets. There is no need for sophisticated lengthy military training in order to perpetrate terrorist attacks. Nor is there any need for sophisticated lengthy military training in order to place an explosive charge or to blow oneself up with an explosive belt.
19. Many Tanzim terrorists who had carried out shooting attacks, certainly the experienced ones, including Muhammad Damara, the commander of Force 17, underwent military training within the framework of the PA, within the framework of the Palestine Liberation Army, or in military frameworks in the Arab states. But even in the case of younger Tanzim operatives, **I can state, on the basis of my familiarity with terrorism, that basic training – which the terrorists who were not members of the security organizations could obtain from any of the recruits from the security organizations – is sufficient for the perpetration of a shooting attack.** It is known that the Tanzim activists and the PA security personnel, who were more experienced in the use of weapons and military tactics, commonly trained younger terrorist who wanted to carry out various types of terrorist attacks.
20. In any event, the military training was carried out within the PA territory and under the PA’s protection and responsibility, and the training which the PA provided to the members of its security organizations eventually became training for terrorists and training which qualified members of the security organizations to become terrorist operatives. Therefore, the full extent of the responsibility is incumbent upon the PA.

¹²⁴ Gur, Avraham, *The Palestinian Authority: Terror Organizations in the Guise of Security Services*, Ariel Center for Policy Research, available at <http://www.acpr.org.il/pp/pp154-Gur-H.pdf>.

¹²⁵ *Id.*

21. **In my expert opinion, and based on my estimations, without the weapons from the PA, without the assistance of the Palestinian security organizations, and without the participation of members of the security organizations in terrorism, terrorism would not have been as prevalent and fewer Israelis would have been killed.**
22. In the course of the intifada, Israel declared Tawfiq Tirawi, the head of the Palestinian General Intelligence Service in the West Bank – the man who should have prevented and thwarted terrorist activity– to be a wanted person.
23. **In my expert opinion, the fact that the man in the PA’s General Intelligence Service whose job it was to prevent terrorism was wanted by Israel for doing precisely the opposite, is a clear proof that the leadership of the PA is not only tainted with terrorism, but actually takes measures toward the promotion of terrorism.**
25. In Yasser Arafat’s office in Ramallah, no less than 25 senior wanted persons, who were involved in terrorist activity, hid out and were given asylum. Tawfiq Tirawi and Mahmoud Damara were also among the wanted persons who were given asylum in the Muqata.¹²⁶
26. Terrorism cannot exist without the backing of the public, the leadership and especially the religious leadership. In order to get the public to support terrorism, the PA used all of its cultural products, especially television, for the purpose of encouraging terrorism.
27. The encouragement of terrorism by the PA takes many forms. From the national point of view, the PA actively encourages violence as ~~unacceptable~~ an acceptable and heroic means of attaining political objectives; from the religious point of view, fighting against the Jews and killing them are perceived on a constant basis by senior members of the religious leadership in the Authority as the will of Allah. On the social level, the Palestinian leadership and Palestinian society admire even the lowest of murderers, who are considered by them as heroes and role models: schools, summer camps, official events and many sites are named for terrorists.
28. Following are examples, from the years of the intifada, of the encouragement of terrorism through the official channels of the PA:
 - a. Dr. Ahmad Yusuf Abu Halabiya, a clergyman in the PA and a member of the Islamic *Shari’a* Council, made the following statement, which was broadcast **on the official Palestinian television channel** on July 28, 2000:

¹²⁶ <http://www.news1.co.il/Archive/001-D-11804-00.html>

We are the people of Palestine. Our G[-]d-given destiny is to be the spearhead in the war against the Jews until the resurrection of the dead. As the Prophet Muhammad said: ‘The resurrection of the dead will not come to pass until you fight the Jews and kill them, you on the east bank of the river and they on the west bank.’ We, the Palestinians, are the spearhead in this battle, whether we wish or refuse to be. All of the agreements which are being made are temporary until the order is given by G[-]d and until the G[-]d-given destiny comes to pass. .”¹²⁷

- b. Three months later, in another television broadcast on October 13, 2000, Dr. Yusuf Halabiya stated as follows (emphasis added):

The Jews are the Jews. There has never been a supporter of peace among them. They are all liars... They are the terrorists. *Therefore, it is necessary to slaughter them and to murder them*, according to the word of Allah... You must not have mercy on your hearts for the Jews, in any place and throughout the land. Fight them wherever you are. *Wherever you run into them – kill them. Kill the Jews and those of the Americans who are like them. Have no mercy on the Jews; kill them everywhere.*”¹²⁸

- c. A short film which was shown on Palestinian television on January 1, 2004 encouraged suicide bombing, even when perpetrated by children. In the film, a child sends a farewell letter, because he is about to go out and die for the sake of Allah. When he falls down and dies, the letter describes death as “sweet” [this film was shown hundreds of times on Palestinian television between 2001 and 2004]:

Do not be sad, my dear [father], and do not mourn my departure.

Oh my dear father, for the sake of my country, I have redeemed my soul.

¹²⁷ <http://www.palwatch.org.il/main.aspx?fi=471&page=5>

¹²⁸ <http://www.palwatch.org.il/main.aspx?fi=471&page=5>

With determination and willingly, I will keep my promise.

How sweet is *shahada* (martyrdom, death for Allah's sake),

When you, my country, are embracing me!

My beloved mother, dearest of all to me,

Rejoice in my blood; do not mourn for me.”¹²⁹

- d. Another short film, a musical clip, was broadcast on Palestinian television on January 1, 2002. In this musical clip on Palestinian television, a Palestinian boy is shot during a struggle with a rival. His body is placed before his mother, who was initially surprised, but then responds with a cry of joy. She gives rifles to her sons and watches them go off to battle. This film was broadcast frequently during the year 2002:

Our *shahid* martyrs have sworn: We shall live no longer.

Either we will pray [in Jerusalem] or we will die at its gates.

Khaybar [the Battle of Khaybar is a battle which took place in the early days of Islam between the faithful of Muhammad and Jewish tribes which lived in Khaybar, in the Arabian peninsula] will be repeated, again and again...

In the film, the boy, who was killed while attacking the enemy, speaks: “Oh, Mother”; the mother in the film is shown embracing her dead son and responding with cries of joy. The boy continues: “I swear by your pure eyes and by your hands, the tears in your eyes require them [to act]. Oh, liberated land, two children will come, and not just one.

The mother in the film is shown giving guns to her children. “They will wipe out the shameful history,” she says.¹³⁰

¹²⁹ <http://www.palwatch.org.il/main.aspx?fi=457>

¹³⁰ <http://www.palwatch.org.il/main.aspx?fi=457>

25. The PA, through the use of its official television and radio channels and its written media, praises the suicide bombers and considers them as heroes and admirable goal models. The programs in question are broadcast on the official Palestinian television and radio channels, the employees of which are civil servants of the PA and received their salaries from it. As in any organization which seeks to maintain hegemony, the television, radio and news agencies which are related to the PA are headed mainly by Fatah personnel, who are directly loyal to the Chairman of the PLO and the Chairman of the PA. The employees consider their work as a mission on behalf of Fatah, a tool for the attainment of hegemony by the Fatah organization. According to checks which I have performed, it may be seen that this incitement and glorification has continued until this very day.
26. Following are a number of examples of the glorification of terrorists by the PA:
- a. Palestinian television, June 3, 2012: *Suicide bombers are “The Role Models” – a Palestinian youth organization which is supported by the European Union*

Announcer 1: “Unfortunately, we could not say goodbye to them (the terrorists) or even embrace them. All we could do was to stand by their bodies, standing tall, facing their sacred message: ‘The homeland will not die; rather, we will die for it’.”¹³¹

Announcer 2: “These [*shahid* martyrs] are more distinguished than all of us. They are the great, the greatest role models for us, not just because they fought and struggled for the sake of the homeland, but also because they have advanced from sacrifice through toil and sweat to the stage where they actually sacrifice their lives for the sake of the homeland.”
 - b. In a PA television program, *Good Morning, Jerusalem*, on May 8, 2010, as part of a feature on the family of a woman prisoner, Sana Shehadeh, her two young nieces dedicated a poem to her. Sana Shehadeh was sentenced to three terms of life imprisonment for bringing a suicide bomber into Jerusalem.

One niece: “I would like to read you a poem. ‘What am I doing here, when my enemy is on the soil of my fathers’ fathers? I want to defend. I want to fight, I want to carry a machine gun and a rifle.’”

¹³¹ http://www.palwatch.org.il/main.aspx?fi=458&doc_id=6976

Both nieces together: “And tomorrow, when the war takes place, I won’t care about you [the enemy] or about the West; and tomorrow, when the war takes place, I won’t care about you [the enemy] or about the West. And you, Israel, are a cripple; and you, Israel, are a cripple. And we will bring you back, land of my fathers; and we will bring you back, land of my fathers.”

- c. Palestinian television, on August 10, 2011, sent its best wishes to the terrorists who carried out the suicide bombing in the Sbarro Restaurant in Jerusalem, and especially to Ahlam Tamimi, who transported the terrorist Izz al-Din Masri to the restaurant:

From the program ‘In the House of a Warrior’, we send our best wishes and faithful blessings to Ahlam al-Tamimi. We wish her liberty, and for [the rest of] our exalted women prisoners. Special congratulations to you, Ahlam, from the program ‘In the House of a Warrior’ and from the program staff, from the home of the heroic warrior, the prisoner Muhammad [Waal Daghlas]. You are both members of the same group.¹³²

- d. Nasr Awis, who is serving 14 terms of life imprisonment for planning terrorist attacks which 13 civilians were murdered: a terrorist attack at a bat mitzvah ceremony in Hadera (six persons were killed), a terrorist attack in Jerusalem (two persons were killed), a hand grenade throwing (a baby girl was killed), and additional terrorist attacks, has also become a hero of the Palestinian street and has been praised and exalted on Palestinian television, in a broadcast from June 30, 2012:

Program announcer: “We dedicate this program to our brothers, the prisoners, and, of course, to the heroic warrior Nasr Awis. We also dedicate this program to the prisoner Ahmad Abu Khadr. They were arrested on the same day, because of their bravery and their defense of the homeland, Palestine.”

¹³² The film may be seen at http://www.palwatch.org.il/main.aspx?fi=458&fld_id=458&doc_id=5623

Caption: “The heroic prisoner, Nasr Awis, was arrested on April 13, 2002 and was sentenced to 14 terms of life imprisonment, plus 50 years and six months. By your patience and your firm stand, you achieved the most estimable acts of bravery. The heroic prisoner, Nasr Aweis, of the Balata refugee camp, Nablus: you will continue to be as mighty as the solid mountains.”¹³³

- e. The glorification of a terrorist from the Islamic Jihad on Palestinian television on August 3, 2012. The terrorist, Anas Jaradat, served as the Head of the Islamic Jihad in Jenin. He was responsible for bringing three booby trapped cars into Israel and for the deaths of dozens of people. He has been sentenced to 35 terms of life imprisonment. The Secretary of the Fatah branch in Jenin, Ata Abu Ramila, stated as follows:

I say to Brother Anas, the heroic prisoner, the Jihad warrior, Anas Jaradat – and to all of the heroic prisoners: what Anas did, and what all of the heroic prisoners did, is a deed which is worthy of fame [(three booby-trapped cars)], a sign of honor to him, to his family, to the members of our Palestinian people, and to all of the honorable free persons among the members of our people.¹³⁴

- f. In September 2010, the PA awarded a medal to a Palestinian mother, five of whose sons were involved in the murder of Israelis. One son was killed by the Israeli security forces, and four are serving terms of life imprisonment in Israeli prisons. “The Palestinian mother is a central partner in the struggle; she is the one who gave birth to the warriors, and she is worthy of having us bow down before her, salute her and give her honor,” said the Minister of Prisoners’ Affairs in the PA. All five of the sons were arrested during the al Aqsa intifada and were Tanzim operatives.¹³⁵

27. **In my expert opinion, and in light of my knowledge of terrorism and Palestinian terror organizations, terrorism is about much more than the attack itself. Terrorism involves an atmosphere that causes young people to enlist in the ranks of terrorism**

¹³³ The film may be seen at http://www.palwatch.org.il/main.aspx?fi=458&fld_id=458&doc_id=7522

¹³⁴ The film may be seen at http://www.palwatch.org.il/main.aspx?fi=458&fld_id=458&doc_id=6364

¹³⁵ <http://www.mako.co.il/news-military/security/Article-a7a9c17489bea21004.htm>

and to carry out lethal and murderous operations, including suicide bombings. It is about an atmosphere that tolerates and promotes images like this:



It is about an atmosphere that the PA has gone to great lengths to create.

28. In my expert opinion, terrorism cannot exist without significant public support. A terrorist who is not given support, sympathy and encouragement by the population in which he lives has no motivation to continue to act. In order to create sympathetic support, the leadership must inculcate the public with values and ideology. The PA has done this in many ways: by means of its cultural products, such as the media, and especially television and radio; by means of street presentations, ceremonies, demonstrations, conventions and especially speeches by leaders. A considerable portion of this has involved the delegitimization of Israel, which has added to the hatred and hostility for Israel and has helped to encourage terrorism.
29. The prevention aspect must also be taken into account. In violation of the agreements, the PA did not take real or consistent action to prevent terror, did not involve itself with the prevention of terrorist attacks. Just the opposite, the silence of the PA and its leaders in the face of the wave of terror attacks, with the exception of faint condemnations which were made largely under international pressure, was understood by the terror operatives and by the public as a whole as support for terror.

X. PART NINE - COOPERATION AMONG PALESTINIAN TERRORIST ORGANIZATIONS AND THE PA

1. As noted above, the PA and Fatah are highly integrated and the PA is involved in much of Fatah's terrorist activities. The PA is highly integrated with other Palestinian terrorist organizations as well. And each of those organizations are integrated with each other.
2. A report by the Israel Security Agency stated: "Inter-organizational cooperation in the Gaza Strip has become the principal pattern of action for the terrorist infrastructures in the area. The joint operational activity in the Gaza Strip is characterized by guerrilla tactics: combined and successive terrorist attacks with large numbers of participants, with a choice of access routes, so as to reduce the technological advantage of the Israel Defense Forces. The inter-organizational cooperation in the Gaza Strip, to a great degree, is part of the terrorist attack policy of the various organizations."¹³⁶
3. Two examples of Palestinian terrorist inter-organizational cooperation follow:
 - a. January 2004: a suicide bombing, jointly organized by Hamas and Tanzim, was carried out at the Erez border crossing point, where four Israeli civilians were killed. In April 2004, an additional suicide bombing, jointly organized by the two organizations, was carried out at the crossing point, and an additional Israeli civilian was killed.¹³⁷
 - b. March 2003: a double suicide bombing, jointly organized by Hamas and Tanzim, was carried out in Ashdod Port, where 10 Israeli civilians were killed.¹³⁸
4. Tanzim in the West Bank led the first stages of the intifada. The leading terrorist organization at the time was Fatah. However, according to captured documents which came into the hands of the Israel Defense Forces in the course of Operation Defensive Shield, it has become clear that the involvement of the PA leadership, starting with Arafat and down to officials at various levels, in terrorism was profound – in the areas of financial aid, assistance to morale and practical help. It has become clear that "Barghouti asked, Arafat signed and the terrorists got."¹³⁹

¹³⁶ Report by the Israel Security Agency, page 4-5

¹³⁷ Report by the Israel Security Agency, page 5

¹³⁸ Report by the Israel Security Agency, page 5

¹³⁹ See the [Hebrew] periodical *Mabat Le-Malam*, No. 31, December 2002, pp. 15-16, <http://www.intelligence.org.il/KotarPort.aspx#http%3A%2F%2Fmalam.barebone.kotar.co.il%2FKotarApp%2FViewer.aspx%3FnBookID%3D94838396%26sSelectedTab%3DtdBookInfo%2315.8664.3.fitwidth>.

5. In the terrorist activity, there was operational cooperation among all of the terrorist organizations – Fatah, Hamas and the Islamic Jihad.
6. **In my expert opinion, and to the best of my professional knowledge, no operational inter-organizational cooperation takes place without having obtained the approval of the senior officials in the terrorist organization’s headquarters and this is not limited to isolated events. Fatah is no different in that regard. Because Fatah was run by Arafat, the President of the PA, it is inconceivable that senior officials in the PA were not aware of such inter-organizational cooperation. It is extremely likely that Arafat himself directed much of that inter-organizational cooperation.**
7. The following story illustrates inter-organizational cooperation and the relationship between the PA and the Palestinian terrorist organizations:
 - a. The perpetrator of the suicide bombing on King George Street in Jerusalem on March 21, 2002 was Muhammad Mashhur Hashaika, a Palestinian policeman, who was born in 1981 and was a resident of the village of Taluza near Nablus. Hashaika blew himself up on the sidewalk of King George Street, one of the main streets of Jerusalem. He was carrying on his body a large explosive charge, which contained nails and screws, in order to increase the intensity of the harm that was caused. In the terrorist attack, Gad Shemesh, 34, and his wife Zippi, residents of Jerusalem, were murdered. They were both in their thirties and left two small children. The third person who was killed was Yitzhak Cohen, 48, who was a resident of Modiin. Dr. Alan Bauer and his son, American citizens, were wounded in the attack.
 - b. Although the PA condemned the attack, the Fatah organization took responsibility for it, in an announcement which was made on the Hezbollah television network, al-Manar, in Lebanon and which was distributed on posters in Nablus.
 - c. The Military Court in Beth El issued an indictment against Abd al-Karim Aweis in File 3478/02 and sentenced him. The indictment and the sentence are attached hereto and constitute an integral part of the expert opinion (see Section 39 of the indictment).
 - d. Hashaika was arrested prior to the terrorist attack – in mid-February 2002 by – the security organizations of the PA, as a result of information which had been provided to the PA by Israel. In his interrogation by the Palestinian security organizations, Hashaika admitted that he had intended to carry out a suicide bombing in a mall in Raanana, Israel; he stated that he had been acting under the guidance of Tanzim and Islamic Jihad operatives in northern Samaria, and even

handed over the explosive belt by means of which he had intended to perpetrate the attack. The PA also learned that Hashaika had been involved in an attempt to carry out a terrorist attack which involved a booby-trapped car, near the Israeli village of Mei Ammi on February 8, 2002.

Hashaika was arrested in Tulkarm. Three days after his arrest, the Palestinian Authority approached Israel and asked it to approve his transfer to a more secure prison in Ramallah. The request, like other, similar requests, which the Palestinian Authority had passed on to Israel, was explained by the statement that, in Ramallah, the “Authority” would be able to imprison Hashaika in a “higher quality” manner – that is, in a detention facility from which it would be harder for him to escape. Against that background, Israel agreed and allowed him to be transferred to Ramallah. Israel gave its approval – but, five days after he was transferred from the location of his arrest in Tulkarm to Ramallah, he was released from the Palestinian prison on March 15, 2002 by Marwan Barghouti’s people. Following the terrorist attack on King George Street in Jerusalem, it became clear that, in fact, Hashaika had been released from arrest after having been transferred to Ramallah.¹⁴⁰

- e. At about that time, Abdal-Karim decided to carry out an attack; his objective was to dispatch a suicide bomber to Jerusalem. Nasser Shawish told Abdal-Karim that Muhammad Hashaika was imprisoned in a Palestinian prison. Abdal-Karim decided to take measures to have Hashaika released and to send him out on a car bombing in Jerusalem.
- f. Pursuant to a request by Abd al-Karim Awis to the General Intelligence Service, Hashaika was released from detention, through the intervention of Marwan Barghouti.

Following his release, Hashaika met with Nasser Shawish and Abdal-Karim Aweis, and expressed his wish to carry out a suicide bombing in Israel. Muhammad Hashaika told the other two that a Palestinian Authority intelligence officer named Iyad al-Sham’a had offered him the opportunity to perform suicide bombing operations, and that he had agreed to do so. The two convinced Hashaika not to carry out the attack through the intelligence officer, fearing that

140

<http://www.pm.gov.il/PMO/Archive/Spokesman/2002/%D7%9E%D7%A8%D7%A5/Spokesman6093.htm>. See also <http://www.inn.co.il/News/News.aspx/22515>

he might be extradited to Israel. The three began to plan the attack and planned the car bombing in Jerusalem.

- g. Abdal-Karim Aweis contacted the office of the Head of the General Intelligence Service in the West Bank, Tawfiq Tirawi, which issued to him explosives, from which he manufactured the explosive belt, with the assistance of Nasser Shawish.
- h. On March 20, 2002, Nasser met with the Head of Tanzim, Marwan Barghouti, and told him that he was about to dispatch a suicide bomber into the State of Israel. Marwan Barghouti, wishing to be of assistance, gave Nasser Shawish \$600 for the purpose of carrying out the attack.
- i. On March 21, 2002, the day of the attack, Nasser Shawish, Abdal-Karim Aweis and Muhammad Hashaika visited Hussein al-Sheikh, the Secretary General of the Fatah organization in the West Bank, at his office in Ramallah. There, Hashaika was given money and two hand grenades by al-Sheikh, for the purpose of carrying out the planned terrorist attack.

With the money which they had received from Hussein al-Sheikh, the two purchased clothing for Muhammad Hashaika, which he wore when he carried out the attack. The explosive belt was placed on Hashaika body. Nasser Shawish transported Hashaika in the latter's car as far as the Qalandiya checkpoint in North Jerusalem, where he said goodbye to Hashaika, not before giving him instructions to blow himself up in a crowded place, so as to cause as many casualties as possible.

- j. At 4:20 P.M., Hashaika detonated the explosive charge on King George Street in Jerusalem. After the terrorist attack was announced, Nasser Shawish and Abdal-Karim met with Hussein al-Sheikh; together, they formulated the announcement of responsibility for the attack, in the name of the al Aqsa Martyrs' Brigades, the military arm of Tanzim of Fatah.
- k. A short time after the terrorist attack on King George Street, the United States Secretary of State, Colin Powell, called Yasser Arafat and demanded that he take measures in order to have the members of the squad arrested. Colin Powell's approach to Arafat was pursuant to a request by Israel. Arafat's media advisor, Nabil Abu Rudeineh, made a statement that the United States Secretary of State, Colin Powell, had contacted Arafat and had told him that the act of terrorism was interfering with General Zinni's efforts to achieve a cease-fire. In response, the Palestinian Authority condemned the terrorist attack and announced that it would arrest the persons who were responsible for it.

1. But the PA (presumably operating pursuant to instructions by Arafat, did not arrest Nasser. It arrested Abdal-Karim, but then released him shortly thereafter. And throughout the relevant period, the PA paid the salaries of both men.

XI. PART TEN - TANZIM (IN ARABIC: تنظيم, “ORGANIZATION”)

1. Tanzim is an integral part of the Fatah organization; it is the field organization of Fatah and the principal and largest entity within the Fatah movement, which dominates the popular strata of its activity.¹⁴¹ Tanzim was established in 1983, with a view to reorganizing the internal Fatah activity, within the territories of the West Bank and the Gaza Strip, while the headquarters of the PLO and the Fatah leadership were located in Tunis. Tanzim members were accordingly field operatives, who were in charge of the movement’s activity in the internal Palestinian arena. Tanzim is Fatah; it is an integral part of the organization. Tanzim is organized around geographical areas - villages, neighborhoods, refugee camps or universities in the territories.
2. During the first intifada, which began in December 1987 and continued until the end of 1992, Tanzim personnel were the spearhead of Fatah activity against Israel.¹⁴² During those years, a local Palestinian military and political leadership developed, which consisted of Tanzim personnel. While those personnel were admittedly identified with the PLO and the Fatah movement, the nature of their activity, to a great degree, was independent of the external leadership.
3. Pursuant to the Oslo Accord in 1993 between Israel and the PLO, Yasser Arafat became the Chairman of the PA in June 1994, an officially recognized governing body. Arafat, however, would not give up the Tanzim, which served him also for purposes of terrorism and the armed struggle. Quite the opposite is true: he strengthened Tanzim, provided it with funds and transformed it into Fatah’s semi-military militia, which was in charge of preserving the military option, maintaining the ethos of armed struggle, and fighting the entities which opposed Fatah. Thus, the Tanzim was transformed from a political/organizational arm to a terrorist arm. The establishment of Tanzim was intended to take the place of the Fatah Hawks – a Fatah terrorist organization which had been dissolved pursuant to a demand by Israel. In order to strengthen the dependence of Tanzim members on the PA, in general and Arafat, in particular, Arafat found places for many of the organization’s personnel in the executive institutions of the Authority. Tanzim was

¹⁴¹ Israel Defense Forces Intelligence Corps, Research Division, *The Palestinian Terrorist Organizations* [Hebrew], September 2, 2004 (prepared at the request of the Knesset Research and Information Center), page 2.

¹⁴² *Ibid.*, *loc. cit.*

made up of squads and teams of armed activists who were ready to lead popular activity and confrontations with Israel as necessary. In this way, Arafat was able to present Tanzim as a popular organization which operated against Israel without the approval of the PA.¹⁴³

4. Tanzim members were perceived as a fundamental, authentic leadership – a populist leadership that grew from among the people and is still connected to it.¹⁴⁴ One of the members of that leadership is Marwan Barghouti, the Tanzim commander in the West Bank, who has been imprisoned in Israel since April 15, 2002, as a result of his involvement in terrorist activity in the course of the present conflict.¹⁴⁵ Barghouti was one of the leaders of the intifada in 1987; during that period of time, he was also imprisoned in Israel for two years. Following the establishment of the PA, Barghouti was elected to the Palestinian Parliament as the delegate for the Ramallah area and served as the Secretary General of Fatah in the West Bank. He was arrested by the Israel Security Agency and was tried before the Tel Aviv District Court.¹⁴⁶ On May 20, 2004, he was convicted of first degree murder, attempted murder, and membership and activity in a terrorist organization and was sentenced to five cumulative terms of life imprisonment plus 40 years' imprisonment.
5. During October and November 2000, Tanzim activists established the al Aqsa Martyrs' Brigades,¹⁴⁷ which were intended to serve as the military arm of Fatah for the perpetration

¹⁴³ Gur Avraham, *The PA: Terrorist Organizations in the Guise of Security Organizations* [Hebrew], Ariel Research Center, Research Study No. 154. The study may be found at <http://www.acpr.org.il/pp/pp154-Gur-H.pdf>

¹⁴⁴ Knesset, The Terror Front: The Terrorist Organizations That are Fighting Against Israel, July 2004, available at <http://www.knesset.gov.il/mmm/data/pdf/m01057.pdf>.

¹⁴⁵ Barghouti was one of the leaders of the intifada in 1987; during that period of time, he was also imprisoned in Israel for two years. Following the establishment of the PA, Barghouti was elected to the Palestinian Parliament as the delegate for the Ramallah area and served as the Secretary General of Fatah in the West Bank. He was arrested by Israel Defense Forces troops during Operation Defensive Shield and was tried before the Tel Aviv District Court (Criminal Terrorism File 1158/02). On May 20, 2004, he was convicted of first-degree murder, attempted murder, and membership and activity in a terrorist organization and was sentenced to five cumulative terms of life imprisonment plus 40 years' imprisonment.

¹⁴⁶ Criminal Terrorism File 1158/02 (Tel Aviv-Jaffa District Court), State of Israel v. Marwan b. Khatib Barghouti, from the Website of the judiciary branch: <http://www.court.gov.il/heb/index.htm>

¹⁴⁷ On the al Aqsa Martyrs' Brigades and their establishment, see Ronny Shaked, "Arafat's New Army" [Hebrew], *Yedioth Ahronoth*, July 27, 2001.

of terrorist attacks against Israel.¹⁴⁸ The name “al Aqsa Martyrs’ Brigades” is actually a cover name for terrorist organizations of Fatah activists, which take public responsibility for the acts of terrorism.¹⁴⁹ The “Brigades” operate in regional and local underground cells. Their principal strongholds are in the cities of the West Bank and the refugee camps in their vicinity. The membership of the al Aqsa Martyrs’ Brigades has also included members of the PA security forces, who were acted along with the commanders of the Brigades and the perpetrators of terrorist attacks on their behalf.

A document written by the Israel Security Service Agency, which has been filed before the Court, reads as follows (emphasis in the original):

Starting from the beginning of the events [(the al Aqsa intifada)], Tanzim has taken a central and leading role in the perpetration of terrorist activity. The organization’s operatives have carried out terrorist attacks in various formats, including mass killing attacks within the borders of the State of Israel... The Tanzim organization, which was sometimes joined by members of the Palestinian security organizations, began to use the appellation “al Aqsa Martyrs’ Brigades” in November 2000, especially for the purpose of taking responsibility for terrorist attacks against Israeli targets... The Brigades were formed in the course of Tanzim terrorist activity... **In addition, it has been confirmed that the guidance, the funding and the logistical assistance, including the supply of materiel, to the latter, which used the appellation “al Aqsa Martyrs’ Brigades”, were provided by senior Authority officials and top level Fatah members...**”

6. The depth of the terrorist activity into which members of the organizations entered, within the framework of Tanzim and the al Aqsa Martyrs’ Brigades, was great. Thus, for example, Mahmoud Damara, the commander of Force 17, himself participated. According to security forces, in the course of the al Aqsa intifada, Damara took part in a large number of shooting attacks. It is suspected that, during the first year of the intifada, he was in charge, along with additional operatives in Force 17, of carrying out shooting attacks on

¹⁴⁸ In the verdict in the Barghouti case, the Court ruled that Barghouti himself had established the al Aqsa Martyrs’ Brigades (Barghouti ruling). According to ICT, the al Aqsa Martyrs’ Brigades were established by Tanzim operatives in the Balata refugee camp near Nablus (<http://www.ict.org.il/organizations/orgdet.cfm?orgid=83>).

¹⁴⁹ Barghouti ruling, page 6; Israel Defense Forces Intelligence Corps, Research Division, *The Palestinian Terrorist Organizations* [Hebrew], page 3.

traffic arteries in the Judea sector, in which a number of Israeli civilians and Israel Defense Forces soldiers were murdered. Damara is considered to have been one of the most senior wanted persons during the al Aqsa intifada, and is suspected of having participated in a large number of shooting attacks. According to information in Israel, he was responsible for recruiting and planning the squad members who, in 2000, perpetrated the shooting attack on the National Insurance Institute office in Jerusalem, in which a security guard was murdered. He was also responsible for an additional terrorist attack, which took place in October 2000, in which a couple, Rabbi Binyamin and Talia Kahane, were murdered.¹⁵⁰ Until his arrest in September 2006, he hid out in the Muqata compound in Ramallah, for most of that time under the protection of Yasser Arafat. Attempts made by the Israel Defense Forces to eliminate him by targeted assassination from the air did not succeed; Damara escaped again and again. Early in 2006, the Chairman of the PA, Abu Mazen, appointed Damara to the post of commanding officer of the presidential guard, Force 17, which is located in Ramallah. His position presently included responsibility for the security arrangements for the Chairman of the Authority and the presidential compound.¹⁵¹ He is considered to have been the most senior of the 19 wanted persons who were hiding out in the Muqata in 2000.¹⁵² He was sentenced to 15 years' imprisonment and was released in the Gilad Shalit prisoner swap, at the request of Abu Mazen.¹⁵³

7. Since the beginning of the al Aqsa intifada, Tanzim has become the most prominent terrorist organization in the territories. Its members have carried out many hundreds of terrorist operations against Israeli targets; under the guidance of its commanders, 35 terrorist operations involving suicide bombers have been perpetrated against Israeli targets.
8. In the initial stages of the conflict, this activity took the form of shooting attacks and the placement of explosive charges, which were directed against Israel Defense Forces troops and against Israeli civilians, within the West Bank and the Gaza Strip. Thus, for example, in late 2000 and early 2001, members of Force 17 perpetrated a series of shooting attacks along the roads of the West Bank against Israeli vehicles.¹⁵⁴ Thus, for example, Ibrahim

¹⁵⁰ <http://www.nrg.co.il/online/1/ART1/474/860.html>

¹⁵¹ *Ibid.*, <http://www.nrg.co.il/online/1/ART1/474/860.html>

¹⁵² <http://yesnews.com/?id=51587>

¹⁵³ <http://www.ynet.co.il/articles/0,7340,L-4135706,00.html>

¹⁵⁴ Among others, the following terrorist attacks are attributed to members of Force 17: a shooting attack near Ofra on November 13, 2000 (one person was killed); a shooting attack near Givat Zeev on December 20, 2000 (one person was killed); a shooting attack near Ofra on December 31, 2000 (two persons were killed and five wounded); and a shooting attack in northern Jerusalem on January 29, 2001

Hasuna, a member of the PA security services who served in Nablus, perpetrated the terrorist attack at the Maariv Junction in Tel Aviv on March 5, 2002 (three persons were killed and 31 wounded), on behalf of the al Aqsa Martyrs' Brigades; Ali Ja'ara, a member of the "Palestinian Police" from the Bethlehem area, carried out a suicide bombing on the No. 19 bus line in Jerusalem on January 29, 2004 (11 persons were killed and 50 wounded), also on behalf of the al Aqsa Martyrs' Brigades.¹⁵⁵

9. Fatah's military and political activity, during that period of time, was conducted through two Supreme Committees – one in the Gaza Strip and the other in the West Bank. The Supreme Committee in the West Bank was headed by Marwan Barghouti.¹⁵⁶ Fatah entities, principally among the Tanzim personnel, feared that this arena would be left in the hands of the Islamic organizations and argued that the Fatah movement was the one which had to lead the armed conflict against Israel. Thus, in the early stages of the conflict, the activity of Tanzim personnel was characterized by shooting attacks along the roads of the West Bank and the Gaza Strip. Within a short time, however, they began to perpetrate suicide bombings with large numbers of casualties, on buses and in other public places within the confines of the "Green Line." Tanzim was also the first entity which began to use female suicide bombers for the perpetration of terrorist attacks.¹⁵⁷
10. Tanzim obtains its funding from the PA, which has supplied it with a large part of the materiel in its possession.¹⁵⁸ Weapons have also come into its hands from smuggling operations based in Jordan and Egypt, or through connections with criminal entities in Israel. Even before the outbreak of the present conflict, Tanzim had a prominent share in

(one person was killed).: <http://new.mfa.gov.il/MFA/PressRoom/2001/Pages/Israel%20Security%20Agency%20-ISA-%20and%20IDF%20forces%20arrest.aspx>

¹⁵⁵ . With respect to Ali Ja'ara, see Bates 9433-9461; <http://www.paldf.net/forum/showthread.php?t=84512>; www.ynet.co.il/articles/0,7340,L-2866864,00.html; with respect to Hasuna, see attached pictures available on [google](http://www.globes.co.il/news/article.aspx?did=1000442941); <http://www.globes.co.il/news/article.aspx?did=1000442941>; see also www.alwatanvoice.com/arabic/news/2013/03/05/368132.html; www.takdin.co.il/search/%20אברהם%20עגלון; <http://www.ynet.co.il/articles/1,7340,L-1731929,00.html>

¹⁵⁶ From the expert opinion which was filed by the Head of the Research Division of the Israel Defense Forces Intelligence Corps, Brig. Gen. Y. Kuperwasser, during the trial of Marwan Barghouti, as cited in the verdict. C the verdict in Criminal Terrorism File 1158/02 (Tel Aviv-Jaffa District Court), **The State of Israel v. Marwan b. Khatib Barghouti** (hereinafter: the "**Barghouti Ruling**"), page 6.

¹⁵⁷ Seven women have perpetrated suicide bombings in the course of the present conflict. The first one was a female suicide bomber from Tanzim, who blew herself up in a clothing store in Jerusalem in January 2002.

¹⁵⁸ www.disabled.co.il/download/islamic_teror.doc

two violent clashes with the Israeli security forces: in the events which accompanied the opening of the Western Wall tunnel in September 1996, and in the “*Nakba Day*” events in May 2000. However, the acts of violence by Tanzim have intensified since the end of September 2000, and have been transformed into terrorist attacks at an extensive scope.¹⁵⁹

- 11 Marwan Barghouti, the Head of Tanzim, used to meet with Arafat once a month at the Muqata compound in Ramallah, where he would give him a list of the names of operatives who were in need of financial assistance and would receive a monetary budget for them. Barghouti and Arafat were aware of the connections between Tanzim commanders and Hezbollah in Lebanon, through Munir Maqdash, who was in Lebanon. The flow of funds ensured that Arafat and Barghouti would maintain a certain degree of control of Tanzim. The money was used for the purchase of weapons, food, cigarettes and so forth. Tawfiq Tirawi, the head of the Palestinian General Intelligence Service, also provided the operatives with money.

Tanzim in the West Bank served as a means for the transfer of funds from the PA to the field operatives, and the infrastructure of the Brigades and their sources of funds were based on it.¹⁶⁰ During the al Aqsa intifada, Tanzim increased its cooperation with the Islamic terrorist organizations, in both the initiation and the execution of terrorist attacks.

12. In Gaza, the person who coordinated the activity of the al Aqsa Martyrs’ Brigades was Jamal Abu Jidan, a colonel in Force 17.¹⁶¹
13. The instructions for the making of payments for Tanzim personnel were passed on by Arafat to the “Ministry of Finance” of the PA and the senior contact persons: Marwan Barghouti, Faaq Canaan (the head of Fatah in Tulkarm), Hakim Balawi (the Secretary of the “Supreme Council for National Security” in the PA), Hussein al-Sheikh, Kamel Hamid (the Secretary of the Fatah branch in the Bethlehem district), and Fuad Shubaki (the central financier of the Authority).
14. Captured documents, which were found in Ramallah during an Israel Defense Forces campaign in 2002, indicate that Arafat approved the payment of money to the heads of

¹⁵⁹ *Terrorist Organizations Which Fight in Israel* [Hebrew], Knesset, on the Knesset web site, <http://www.knesset.gov.il/mmm/data/pdf/m01048.pdf>.

¹⁶⁰ Captured documents which were seized by the Israel Defense Forces in the course of Operation Defensive Shield indicate that the al Aqsa Martyrs’ Brigades customarily approached the Chairman of the PA, Yasser Arafat, with requests for assistance in the form of money and materiel. **Barghouti Ruling**, pp. 6-9.

¹⁶¹ Amos Harel and Avi Issacharoff, *The Seventh War* [Hebrew] (Tel Aviv, Yedioth Ahronoth Press, 2004), pp. 80-82.

Tanzim. Ronen Bergman, who wrote his book on the basis of these documents, cites examples:

- a. **Hussein al-Sheikh**, one of the senior Fatah officials in the West Bank, wrote to Yasser Arafat on September 19, 2001:

To the Honorable Warrior President, Brother Abu Amar [(that is, Yasser Arafat)], may G-d protect him, greetings!

I would ask you to be so kind as to allocate financial assistance in the amount of \$2,500 for the following brothers: Raed al-Karame [(the Tanzim commander in Tulkarm)], Ziad Muhammad Daas [(the commander of a Fatah / Tanzim squad in Tulkarm, which was behind the planning of a terrorist attack at a bat mitzvah ceremony in Hadera)], Omar Qaadani [(a senior operative in the presidential security organization / Force 17 in Ramallah, who was involved in the operative side of the organization)].

With thanks,

Your son, Hussein al-Sheikh

In the margins of the letter, Arafat added a handwritten instruction: “Ministry of Finance / Ramallah – allocate \$600 to each of them.”

- b. **Raed al-Karame**, the Tanzim commander in Tulkarm, sent an extremely urgent missive to “Warrior Brother Abu al-Qassam” (Marwan Barghouti). The missive contained a request for “urgent financial assistance” for a list of Fatah operative personnel in Tulkarm, who, according to the Palestinians’ own documents, were involved in lethal terrorist attacks.

Barghouti passed the letter on to Arafat – not before adding, in the margins of the page: “I would ask you to order the allocation of \$1,000 to each of the warrior brothers.”

- c. Against the background of his involvement in terror, Israel demanded that the PA arrest Ataf Abiyat (on November 12, 2000, and again on September 30, 2001). The Authority declared that it had done so; that statement proved to be false. In fact, not only did the PA fail to arrest him, the PA had also transferred

money to him on Arafat's personal instructions. Following the killing of Abiyat, his comrades from the Bethlehem branch of Fatah wrote to the *ra'is*:

I would ask Your Honor for a decision in the matter of the allocation of urgent assistance, in the amount of three thousand (\$3,000) to each of the families of the brothers, the martyr-commanders, the sons of the movement, who fell in battle defending Beit Jala, Bethlehem, Gaza and Aida, and for the purpose of paying some of their debts.

At the head of the list was "Martyr Brother Ataf Ahmad Salem Abiyat". Arafat issued an instruction in his own handwriting: "Allocate \$800 to each of them."

15. The heads of the security organizations, such as Tawfiq Tirawi, the head of the General Intelligence Service in the West Bank, and Rashid Abu Shabak, the head of the Preventive Intelligence Service in Gaza, allowed their operatives to assist in and supervise terrorist attacks which were initiated by various groups of al Aqsa Martyrs' Brigades.¹⁶²
16. In March 2002, after a suicide bombing which was perpetrated by the al Aqsa Martyrs' Brigades in Jerusalem, the State Department of the United States added them to its list of foreign terrorist organizations and it remains on the State Department's list of foreign terrorist organizations. .

XII. PART ELEVEN - YASSER ARAFAT AS TERRORIST IN CHIEF

1. Yasser Arafat was personally involved in the planning and execution of terrorist operations. He gave them ideological encouragement, approved financial assistance for them, and was himself the Head of the al Aqsa Martyrs' Brigades, a Fatah organization.

The establishment of the PLO in May 1964 and the founding of the Palestine Liberation Army (hereinafter: the "**PLA**") compelled Fatah to begin its activist activity. The first military operation by Fatah took place on January 1, 1965, within the borders of the State of Israel. The placing of explosive charges in the National Water Carrier pipeline became a mythical and constitutive terrorist operation, which designates the beginning of the armed struggle in the Palestinian calendar. Fatah took over the PLO and amended the National Convention, emphasizing the value of the "armed struggle."

¹⁶² *The Seventh War*, p. 100.

The Palestinian National Charter is the founding document of the PLO, which outlines the strategy of the armed struggle for the destruction of Israel. Although there have been changes in the PLO platform in the course of the years, some of which are still being debated, the Fatah platform has not changed; rather, it continues to embody the more extremist ideas. The Fatah ideological platform, during the years to which this report refers, expressly states that “armed struggle is the only way to liberate all of the lands of Palestine”.¹⁶³

2. The persons closest to Arafat, who are in charge of terrorist activity, are the Head of the General Intelligence Service, Tawfiq Tirawi, and the financier Fuad Shubaki, who operated, on an ongoing basis, a logistical array of assistance and financial support of terrorism.
3. The al Aqsa Martyrs’ Brigades, a Fatah organization headed by Arafat, was placed under the command and responsibility of Marwan Barghouti, who did not hesitate to use women and even children as operatives in the perpetration of terrorist attacks, in which hundreds of Israelis were murdered.
4. Arafat and his people used monies which were provided by the donor states, including monies from the European Union, to fund the terrorist activity.
5. The PA armed itself with weapons, in other contravention of all of the agreements with Israel. The [weapon] smuggling system was headed by Fuad Shubaki.
6. Arafat’s Muqata compound in Ramallah became a center which runs and finances terrorist activity. Entities within the “security organizations” of the PA, and principally persons from the “General Intelligence” Service, headed by Tawfiq Tirawi, who were subordinate to Arafat himself, directly and indirectly assisted terrorism.
7. Fatah and the al Aqsa Martyrs’ Brigades are one and the same. The al Aqsa Martyrs’ Brigades are not only an appellation for the terrorist attacks which are carried out by Fatah, but also a terrorist organization which, up to Operation Defensive Shield in March 2002, was in the process of becoming established and increasing the intensity of its suicide bombings and lethal attacks. The documents captured during Defensive Shield made it clear that Arafat and senior Fatah officials, most prominently Marwan Barghouti, were the ones who headed the al Aqsa Martyrs’ Brigades and funded its terrorist operations.
8. The aforementioned documents seized during Defensive Shield state the following:

¹⁶³ See Palestinian National Charter, Section 9.

The involvement of the 'PA', and of Arafat at its head – as borne out by the documents and the interrogations – has three dimensions: the ideological dimension, which principally involves the issuance of approval for the perpetration of lethal terrorist attacks (which are perceived as 'high-quality terrorist attacks', which serve the purposes of the 'Authority') and the use of terrorism as an important tool for the advancement of the Palestinian objectives vis-à-vis Israel; the financial dimension – the funding of terrorist infrastructures on an ongoing basis, with the personal approval of Arafat, which was carried out by the civilian organizations of the 'Authority', the heads of the security organizations, and Arafat's crony, Fuad Shubaki; and the practical dimension – the involvement of the intelligence organizations, and primarily the 'General Intelligence Service', in direct and indirect assistance to terrorist infrastructures in terrorist operations, including in the perpetration of lethal killing attacks inside Israel.

9. Ronen Bergman, in his book *And Permission Is Given* [Hebrew], summarizes the role of Arafat – the Chairman of the PLO, the Chairman of the PA and the Head of Fatah – in terrorism:¹⁶⁴

The PA, under the direct leadership of Arafat, is involved in and supports terrorism, and in more than one way. First of all, Arafat and the Authority give their fundamental and ideological approval of the terrorist operations as an important and legitimate component of the struggle against Israel. The terrorist operations, and especially those which take place deep inside Israel, are defined as 'high quality operations', which constitute a 'mainstay and support' for the Authority and its security organizations. The condemnations of terrorism, when they are actually issued, are spoken in a soft, weak voice, barely doing duty, under heavy international pressure.

¹⁶⁴ Ronen Bergman, *And Permission Is Given* [Hebrew]: http://www.e-vrit.co.il/%D7%95%D7%94%D7%A8%D7%A9%D7%95%D7%AA_%D7%A0%D7%AA%D7%95%D7%A0%D7%94-%D7%A4%D7%A8%D7%A7_%D7%A8%D7%90%D7%A9%D7%95%D7%9F.aspx

On the operational level, the captured documents attest to profound involvement by the intelligence organizations, which are well deployed in the field, in providing various levels of assistance to terrorism. In the more minor cases, the security organizations merely turn a blind eye to the activity of the terrorists in the areas under their control; in many cases, they provide the squads with warnings of Israeli raids; on more than one occasion, they transfer materiel to them; and, on innumerable occasions, the Palestinian security organizations are directly involved in the terrorist attacks themselves, within the territories and in the heartland of Israel. On the financial level, Arafat provides essential assistance, on an ongoing basis, to the proper and methodical operation of terrorist squads... Fatah, the al Aqsa Martyrs' Brigades and Tanzim receive funding directly from the budget of the Authority, with Arafat's approval; the funding is implemented by the Palestinian Ministry of Finance, which relies on donations by the Arab states and the European Union.

10. In a media interview in June 2001, Marwan Barghouti explained that Arafat's declaration of a cease fire was in the nature of "public relations". In his words, this was done "with a view to winning worldwide public opinion. Arafat thereby succeeded in pulling the rug out from under [then-Israeli Prime Minister]Sharon."¹⁶⁵
11. In May 2002, the Israeli Government published a professional document which was entitled "The Involvement of Arafat, Senior 'PA' Officials and the Organizations in Terrorism Against Israel", and which contained many examples of involvement in terrorism by Arafat and the PA.
12. The following story is indicative of Arafat's approach to terrorism:
 - a. At the end of November 2001, the Secretary of State, Colin Powell, sent General Anthony Zinni on a mission to intermeditate between Israel and the Palestinians and to achieve a cease-fire. He arrived in Israel on November 27, 2001. Zinni met with Arafat and stated, "Every time I met with Arafat and demanded that he

165

http://www.memri.org.il/cgi-webaxy/sal/sal.pl?lang=he&ID=107345_memri&act=show&dbid=articles&dataid=375

arrest wanted persons, he would hug me and kiss me and say ‘No problem’”; in actual fact, however, he did not do anything.¹⁶⁶

Zinni attempted to renew the security cooperation, but Israel and the Palestinians invested greater efforts in explaining their respective positions than in actually talking with each other, and exchanges of accusations quickly began between the parties. A series of terrorist attacks by the Palestinian terrorist organizations in December caused Zinni to lose his faith in the ability to change the situation. The seizure of the weapons laden ship *Karine A* in January 2002 – an attempt by the Palestinian Authority to smuggle weapons, which had been frustrated by Israel – only reinforced his mistrust of Yasser Arafat and caused him to refer to the Chairman of the Authority as “*capo di tutti capi*” (an expression used to denote the head of the Mafia).¹⁶⁷

In March 2002, Zinni made a last attempt. He held an additional series of discussions in Jerusalem and Ramallah, presented proposals for mediation to both parties, but did not exert any real pressure on the parties to accept them. On March 26, 2002, the Palestinians rejected General Zinni’s proposal for mediation toward the cease-fire agreement. On March 27, the eve of the Passover Seder, a terrorist attack was perpetrated at the Park Hotel in Netanya, killing 30 men, women, and children and injuring 140, definitively burying Zinni’s efforts.

Zinni submitted a list of 33 wanted persons to Arafat and demanded that he have them arrested. The list included the most senior of the terrorists who had initiated, planned and supported the suicide bombing attacks. Among them were Nasr Awis and Abd al-Karim Awis. The head of the Israel Defense Forces Intelligence Corps stated, in his testimony at the Knesset, that, of the list of 33 wanted persons which the American emissary, General Anthony Zinni, had forwarded to the Palestinian Authority, 12 wanted persons had been killed or captured.¹⁶⁸

- b. **Nasser Aweis** (ناصر محمود احمد عويس) was an officer in the Palestinian Police, who served in the national security organization with the rank of Captain (*naqib*). He was a Tanzim operative in the Balata refugee camp and the commander of the al Aqsa Martyrs’ Brigades in Nablus (كتائب شهداء الأقصى). He was loyal to Marwan Barghouti

¹⁶⁶ Amos Harel and Avi Issacharoff, *The Seventh War* [Hebrew] (Tel Aviv, Yedioth Ahronoth Press, 2004), p. 178.

¹⁶⁷ <http://www.nrg.co.il/online/1/ART/866/734.html>

¹⁶⁸ http://www.hydepark.co.il/topic.asp?topic_id=111068&forum_id=216

and was the most senior operative among Barghouti's subordinates. He maintained close ties with Barghouti until his arrest. He was tried and sentenced to 14 concurrent terms of life imprisonment, plus 50 years. Nasser Aweis dispatched the suicide bomber to the Armon David Halls in Hadera on January 17, 2002 for a terrorist attack in which six Israelis were murdered.¹⁶⁹



Nasser Aweis was Barghouti's deputy¹⁷⁰, his right-hand man and, in fact, the one who executed the Fatah policy which Marwan Barghouti dictated.

The Fatah Website, as well as other Palestinian websites, emphasizes that Nasser Aweis was the founder and the commanding officer of the al Aqsa Martyrs' Brigades.¹⁷¹ From 1986 to 1991, he was imprisoned in Israel; following his release, he became a central Fatah activist. In 1992, as a result of events at al-Najah University in Nablus, he was deported to Jordan for three years; he returned in 1995 and was appointed as a senior member of the Fatah headquarters in the Balata refugee camp. In 1996, he participated in the shooting events of the "Western Wall Tunnel" and was wounded. At the beginning of the intifada, he established the al Aqsa Martyrs' Brigades and became the commanding officer of the organization. He was arrested by Israel on April 13, 2002 and was sentenced to 14 concurrent terms of life imprisonment.

The indictment that was filed against him indicates that he served as the commanding officer of the al Aqsa Martyrs' Brigades in Nablus and Samaria; he initiated, organized and directed terrorist attacks against Israeli targets.¹⁷² His activity included the purchase and transfer of materiel to terrorists for the purpose of carrying out terrorist attacks. It also notes that he was responsible for a long list of terrorist attacks and murders.

¹⁶⁹ See the ruling in Criminal Terrorism File 1158/02 (Tel Aviv District Court): http://www.psakdin.co.il/fileprint.asp?filename=/plili/private/ver_bvtn.htm

¹⁷⁰ <http://www.globes.co.il/news/article.aspx?did=579976>

¹⁷¹ <http://fateh.yoo7.com/t851-topic>

¹⁷² See Indictment Against Nasr Awis, Tel Aviv District Court.

Section 4 of the indictment which was issued against Nasr Awis by the Tel Aviv District Court, which is attached hereto and constitutes an integral part of the testimony, states: “The terrorist organization operated, throughout the entire period relevant to the indictment, as a hierarchical organizational framework, in which the Defendant was subordinate to Marwan Barghouti, the head of Tanzim in Judea and Samaria, who was subordinate to the Chairman of the Palestinian Authority, Yasser Arafat.”¹⁷³

Section 5: “In order to carry out the terrorist activity, the Defendant received monetary funding on a broad scale, both from Marwan Barghouti with Arafat’s approval and from additional sources of funds.”¹⁷⁴

In a conversation that I had with Aweis in the “Hadarim” prison in 2012, he declared that he was proud of his actions and had not regrets.

- c. **Abdal-Karim Aweis** of Jenin was detained in an Israeli prison during the first intifada and gained notoriety while in prison for the brutal torture and execution of a man believed to be collaborating with Israel. He was released within the framework of the Oslo Accords and, after his release, was appointed by Arafat as an officer in the General Intelligence Service in Jenin. He was the one who gave the terrorist arm of Fatah, the al Aqsa Martyrs’ Brigades, its name. He was appointed as the commanding officer of the al Aqsa Martyrs’ Brigades in Jenin. Awis received a salary from the Palestinian Authority.¹⁷⁵ He was transferred by the Authority from Jenin to Ramallah following an Israeli threat to assassinate him. He was released from arrest by the head of the General Intelligence Service, Tawfiq Tirawi.

¹⁷³ Id.

¹⁷⁴ Id.

¹⁷⁵ Amos Harel and Avi Issacharoff, *The Seventh War* [Hebrew] (Tel Aviv, Yedioth Ahronoth Press, 2004), pp. 78-79, 133, 217.



• عبد الكريم راتب يونس عويس
 • تاريخ الاعتقال: 29/3/2002
 • الحكم: مدى الحياة
 • الحالة الاجتماعية: متزوج+3
 • مكان السكن: مخيم جنين
 • السجن: هدارم
 • الحالة الصحية: جيدة

- d. The two of them are among the most senior operatives in the al Aqsa Martyrs' Brigades, which was the military arm of Marwan Barghouti. It was clear to the senior Palestinian leadership – Marwan Barghouti and those above him, up to Arafat and the heads of the security organizations – that the two were highly important and that they headed the operational force in the war against Israel.
- e. Israel knew of the activity which was carried out by the two of them; it forwarded their names to the Palestinian Authority on a number of occasions, and also did so through the Americans. Thus, for example, at the time of Zinni's mission, he was given both of their names and asked to tell Arafat to have both of them arrested.¹⁷⁶
- f. When the Palestinian Authority did not fulfill its undertaking to arrest senior terrorist operatives, Israel was forced to take measures against them. Against some of them, who could not be physically arrested, targeted killings were carried out.
- g. Israel attempted, on a number of occasions, to eliminate Abdel-Karim Aweis. The Palestinian Authority, in an effort to protect him and to obtain "immunity" for him against assassination by Israel, arrested him. This was common practice by the PA with respect to tens of wanted terrorists.

In order to better ensure the safety of Abdel-Karim Aweis, the Palestinian security organizations decided to transfer him to Ramallah, where they believed that it would be possible to release him and that it would be difficult for Israel to assassinate him. He was transferred to Ramallah and was released; there, too,

¹⁷⁶ See Bates P1-3033; P6:331-332; P6:95-97.

however, Israel attempted to assassinate him. In one of the attempts, Abdel-Karim Aweis' brother was killed.

- i. Nasser Aweis was the senior commander of the organization, who had gained the admiration of the entire leadership, including that of Yasser Arafat. Nasser and Abdel-Karim were on the list of recipients of salaries from the Palestinian security organizations; they had been awarded additional grants in order to help them carry out terrorist operations, and had gained respect and appreciation.
- j. This conduct on the part of the Palestinian Authority, which did not take measures to terminate the activity of these two men in the perpetration of terrorist attacks and suicide bombings, is further proof of the Palestinian Authority's involvement in terrorism – and, I would say, of far more than that: it is proof that the two of them carried out the terrorist operations under the protection of the Palestinian authority.

September 29, 2013

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Alon Eviatar